

**PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS**

Date of report: July 11, 2016

Auditor Information			
Auditor name: Jeffery L. Newton			
Address: 12607 Bay Hill Drive, Chester, Virginia 23836			
Email: jeff@bighousellc.com			
Telephone number: 757-377-6789			
Date of facility visit: June 12/13, 2016			
Facility Information			
Facility name: Albemarle-Charlottesville Regional Jail (ACRJ)			
Facility physical address: 160 Peregory Ln, Charlottesville, VA 22963			
Facility mailing address: <i>(if different from above)</i> Click here to enter text.			
Facility telephone number: 434-977-6981 x 241			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Martin Kumer			
Number of staff assigned to the facility in the last 12 months: 171			
Designed facility capacity: 329			
Current population of facility: 451			
Facility security levels/inmate custody levels: minimum, medium and maximum			
Age range of the population: 18+			
Name of PREA Compliance Manager: Gequetta G. Murray-Key		Title: Accreditation Manager/Compliance Officer	
Email address: murray-keyg@acrj.org		Telephone number: 434-977-6981 x 226	
Agency Information			
Name of agency: Albemarle-Charlottesville Regional Jail (ACRJ)			
Governing authority or parent agency: <i>(if applicable)</i> Click here to enter text.			
Physical address: 160 Peregory Ln, Charlottesville, VA 22963			
Mailing address: <i>(if different from above)</i> Click here to enter text.			
Telephone number: 434-977-6981 x 241			
Agency Chief Executive Officer			
Name: Martin Kumer		Title: Colonel	
Email address: kumerm@acrj.org		Telephone number: 434-977-6981 x 214	
Agency-Wide PREA Coordinator			
Name: Gequetta G. Murray-Key		Title: Accreditation Manager/Compliance Officer	
Email address: murray-keyg@acrj.org		Telephone number: 434-977-6981 x226	

AUDIT FINDINGS

NARRATIVE

The audit of the Albemarle-Charlottesville Regional Jail here after referred to as ACRJ was conducted on June 12/13, 2016 by Jeffery L. Newton, Certified PREA auditor.

An entrance meeting was held June 12, 2016 with Superintendent Kumer, Martin, Lieutenant Colonel Rowland, Todd PREA Coordinator Murray-Key, Gequetta G., Training Sergeant Seiler, Travis,. Following the entrance meeting I toured the ACRJ main facility from 8:30 – 10:30.

I requested an alpha listing of all inmates housed at the main facility and randomly selected at least one inmate from each housing unit. There were no hearing/vision impairment inmates, there were no identified transgender, intersex, or gender nonconforming inmates in the facility. I interviewed a number of lesbian/gay inmates present in the facility. I interviewed a total of 23 inmates. I also asked for a shift roster and selected supervisors and officers to be interviewed; I interviewed a total of nine supervisors and sixteen staff.

No inmates forwarded communication in advance of the audit. During the course of the interviews one inmate did request services from the mental health staff on duty. I was able to facilitate the inmate visiting with the medical staff on duty and the inmate was schedule to be seen by the mental health staff.

DESCRIPTION OF FACILITY CHARACTERISTICS

ACRJ Facility Description

The Albemarle-Charlottesville Regional Jail (ACRJ) is located in the County of Albemarle at 160 Peregory Lane, Charlottesville, Virginia. It sits on roughly 8.24 acres and is currently more than 52,000 square feet. It is a political subdivision of the Commonwealth of Virginia. Formerly known as the Albemarle – Charlottesville Joint Security Complex, it opened in 1974 to serve the County of Albemarle and the City of Charlottesville. In 1998 the County of Nelson joined the Jail Board Authority. Its current rated capacity is 329 inmates. At this time, Albemarle-Charlottesville Regional Jail holds State, Local and Federal adult inmates with an average daily population of approximately 430 inmates to include males and females.

In 2000, ACRJ received the addition of 3 housing units, a Receiving and Discharge area (R and D) as well as a Work Release Center, Canteen Room, Property and Laundry Area and a Law Library and a Medical and Mental Health unit which encompasses a dental office, exam rooms, triage rooms and cells for inmates who need medical attention. ACRJ's Food Service Department also services the Blue Ridge Juvenile Detention Center. There are three (3) direct supervision housing pod units. Each pod has handicap accessible cells. There is direct observation of all inmate corridors so as to minimize blind-spots. In addition, there are five (5) housing wings East Side, West Side, Ground Floor, Medical/Mental Health and Work Release that have both individual cells and open-dormitory style housing.

Albemarle-Charlottesville Regional Jail (ACRJ) personnel have worked tirelessly to provide a varied list of programs to address issues such as substance abuse, mental illness, life skills, and education. ACRJ programs and services are designed and implemented to provide structure, encourage self-discipline, and foster positive change in the behavior. These programs strive to assist the inmate population in identifying problem areas of their lives, implementing case-specific treatment modalities to create the opportunity for positive individual change.

Cameras may be placed in special use cells to assist the security and observation rounds for inmates that are at risk to themselves or for medical observation. The cameras for these cells are tilted or blocked to keep staff from observing inmates performing bodily functions and changing clothes, unless there is notification from the medical or mental health staff that the inmates need continuous monitoring.

The Work-Release Department facilitates programs that include opportunities for current inmates to maintain full-time employment as well as outside work force not limited to local government, VDOT and the Department of Forestry to help keep our community clean. In addition, at times it provides room for weekend sentences. Laundry is available in those areas to ensure that inmates are clean and prepared for the workforce each day.

The Albemarle-Charlottesville Regional Jail houses men and women over the age of 18. Regardless of where an inmate is housed each are afforded the opportunity to take classes, have religious affiliation, access to food/canteen, medical and mental health services, laundry, library services and recreation. As indicated during the classification process, each inmate has courses specially crafted for their successful re-entry into society. Once identified, it is mandatory for inmates to take these courses.

ACRJ offers a small engine repair class which results in a nationally recognized certification through Piedmont Virginia Community College; while allowing staff to participate in the training as well. The goal is to offer inmates who will be returning to the community other opportunities for employment once released. While incarcerated, inmates with certification may be permitted to do small engine repairs on items for non-profits and the localities saving taxpayer dollars.

ACRJ has many members of the community that are part of the volunteer program. We average 150-200 active volunteers. Along with our Religious Community, Substance Abuse Program , Re-Entry Programs, Male/Female TC Programs, Discipleship Programs we also have Celebrate Recovery Behind Bars, GED, Spanish Classes, Art and Music classes. In addition,

Current Programs Offered at ACRJ are:

1. New Beginnings Transitional Reentry (NBTR) Program
2. New Horizons Transitional Reentry (NHRP) Program
3. Real Dad's Support Group Program:
4. Thinking For A Change
5. Mentoring Program
6. Employment:
7. Wellness recovery Action Plan (WRAP)
8. Road to Excellence
9. Understanding Your Risk Factors
10. Anger Management
11. Health & Wellness
12. Financial Literacy
13. Creative Writing
14. Gardening
15. Moral Reconation Therapy

Certifications offered by ACRJ including the completions this year include:

VDOT Flagger Certification – 121 inmates
ServSafe Certification - 55 inmates
Small Engine Certification – 4 inmates
DMV ID – 31 inmates
Birth Certificates – 29 inmates
Social Security Cards – 10 inmates

The ACRJ has an authorized force of 155 full-time employees of the Albemarle-Charlottesville Regional Jail. There are 105 certified officer members and 50 support staff members. There are several part-time staff whose numbers vary based on the needs of the institution. The Compensation Board reimburses 3.8 million dollars annually to the jail for 123 positions.

Designed capacity: 1974	Average Daily Population: 451
ACA Accredited: None	NCCHC Re-Accredited: April 2015

SUMMARY OF AUDIT FINDINGS

See detailed explanation for each standard.

Number of standards exceeded: 1 (115.21)

Number of standards met: 34

Number of standards not met: 4 (115.41, 115.42, 115.67 & 115.81)

Number of standards not applicable: 4 (115.12, 115.14, 115.52 & 115.66)

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA as well as interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, staff and inmates.

The Albemarle-Charlottesville Regional Jail has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlines ACRJ’s approach to preventing, detecting, and responding to such conduct.

ACRJ employs and designates 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 as well as appointing a PREA Compliance Manager with sufficient time to oversee the facility’s efforts to comply with the PREA standards.

Standard 115.12 Contracting with other entities for the confinement of inmates

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

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.

Based on interviews with the ACRJ Command Staff and ACRJ PREA Coordinator there are no contracts for the confinement of their inmates.

Standard 115.13 Supervision and monitoring

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

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Based on SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA, and interviews with the Superintendent and ACRJ PREA Coordinator. Additionally, I reviewed the the ACRJ 2015 Staffing Analysis, the ACRJ memorandum documenting annual review and shift rosters.

The ACRJ has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and uses video monitoring, to protect inmates against sexual abuse.

In circumstances where the staffing plan was not complied with, ACRJ, will document and justify all deviations from the plan. I reviewed shift rosters demonstrating the ACRJ had not had any documented deviations from the plan in the last 12 months.

Standard 115.14 Youthful inmates

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

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.

Based on interviews with the ACRJ Command Staff and ACRJ PREA Coordinator no youthful inmates are housed at LMDC.

Standard 115.15 Limits to cross-gender viewing and searches

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

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.

Based on SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison

Rape Elimination Act PREA, interviews with the ACRJ PREA Compliance Manager, ACRJ Command Staff, random staff and inmates.

The ACRJ does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances. When necessary, cross-gender pat-down searches are conducted in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs. The ACRJ has policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering an inmate housing unit.

ACRJ does not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it is determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

ACRJ correctional staff receive training in how to conduct cross-gender pat-down searches. Cross-gender pat-down searches of female inmates is prohibited except on exigent circumstances; when necessary, cross-gender pat-down searches are conducted in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, staff and inmates. Procedures for interpreting services are available to all staff from a staff member that speaks the inmate's native language or thorough a Language Line service.

ACRJ takes appropriate steps to ensure inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of ACRJ's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In the unlikely event that a visually impaired individual is admitted to the facility, staff will read the required information to the offender to ensure they understand the rules of facility, have access to information about services and understand their rights related to PREA. An English/Spanish handbook is available. Additionally, the PREA orientation video is available in English and Spanish.

By policy, ACRJ does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the PREA Audit Report

inmate's safety.

Standard 115.17 Hiring and promotion decisions

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA, interviews with the ACRJ Command Staff and ACRJ PREA Coordinator. Review of personnel files, employment applications, documentation of five-year background screenings and background screenings for contractors.

ACRJ does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in any criminal justice facility, 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 has been civilly or administratively adjudicated to have engaged in the activity described above.

ACRJ considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

ACRJ performs a criminal background record check before enlisting the services of any contractor who may have contact with inmates and performs a records check at least every five years of current employees and contractors who may have contact with inmates.

Standard 115.18 Upgrades to facilities and technologies

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

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.

Based interviews with the ACRJ Command Staff and the ACRJ PREA Coordinator, the ACRJ considers how such technology may enhance ACRJ Facility's, ability to protect inmates from sexual abuse. ACRJ is currently funding a significant improvement to the video system. Even with this multiphased project, a recommendation was made to

add cameras to the Inmate Canteen, Inmate Laundry, HU #1 (Classroom#1 & #2), HU #2 (Classroom#1 & #2), HU #3 (Classroom#1 & #2), Kitchen Storage, Medical Waiting Room and Medical Hallway.

Standard 115.21 Evidence protocol and forensic medical examinations

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and ACRJ Community Partners. ACRJ does have established formal MOUs with: the University of Virginia Emergency Medical Department, the Albemarle County Police Department, The Sexual Assault Resource Agency and the Offender Aid and Restoration. ACRJ has posted each of these MOU for public review on the facility web page as note later in this report.

To the extent ACRJ is responsible for investigating allegations of sexual abuse, ACRJ follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions

ACRJ offers all victims of sexual abuse access to forensic medical examinations, at the University of Virginia Emergency Medical Department, Charlottesville, Virginia without financial cost, where evidentiary or medically appropriate. Examinations are not performed by Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE) as this level of qualification is not available at the University of Virginia Emergency Medical Department,.

ACRJ makes available to the victim a victim advocate from the The Sexual Assault Resource Agency. As requested by the victim, a victim advocate, accompanies and supports the victim through the forensic medical examination process and investigatory interviews and are provide emotional support, crisis intervention, information, and referrals.

To the extent ACRJ itself is not responsible for investigating allegations of sexual abuse, ACRJ requests that the investigating agency follow the requirements listed above. The Albemarle County Police Department conducts all investigations once they are deemed criminal, based on preponderance of the evidence.

Standard 115.22 Policies to ensure referrals of allegations for investigations

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff and the ACRJ PREA Coordinator.

ACRJ ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

ACRJ has a policy that ensures 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. ACRJ documents all such referrals for criminal investigation.

Standard 115.31 Employee training

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA, review of training curriculum and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and interviews with random staff. ACRJ trains all employees who have contact with inmates on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Inmates’ right to be free from sexual abuse and sexual harassment;
- (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with inmates;
- (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Staff, Volunteers, Contractors and Interns receive 4 hours of training during orientation (prior to having unsupervised contact with inmates) and received 4 hours annual training to ensure all employees remain current on their responsibilities related to ensuring inmates rights related to PREA.

ACRJ documents, through employee signature the employee's understanding of training they have received.

Standard 115.32 Volunteer and contractor training

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA, review of training curriculum, volunteer and contractor training records and interviews of volunteers and contractors.

ACRJ ensures all volunteers and contractors who have contact with inmates have been trained on their responsibilities under ACRJ sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

Volunteers receive 2 hours of PREA training. All employees and contractors receive the same training as line staff. All volunteers and contractors who have contact with inmates are notified of ACRJ's, zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

ACRJ has documentation confirming that volunteers and contractors understand the training they have received.

Standard 115.33 Inmate education

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews ACRJ Command Staff, ACRJ PREA Coordinator, with random inmates and intake staff.

During the intake process, inmates receive information explaining ACRJ's, zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Weekenders are processed through intake the same as other inmates.

ACRJ provides a comprehensive education to inmates through video regarding 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.

ACRJ provides inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills. There is documentation of inmate participation in these education sessions. In the unlikely event that a visually impaired individual is admitted to the facility, staff will read the required information to the offender to ensure they understand the rules of facility, have access to information about services and understand their rights related to PREA. An English/Spanish handbook is available. Inmate video is done in English with Spanish subtitles, any other language barrier training is provided by the translation service.

Standard 115.34 Specialized training: Investigations

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

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Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and review of the ACRJ PREA Investigator training certificate from the **Investigating Sexual Assault Training Conference** conducted by **The Moss Group** and hosted by the **Peumandsend Creek Regional Jail May 20-22, 2013** and interviews with supervisory staff trained that conduct PREA Investigations.

In addition to the general training provided to all employees, ACRJ ensures that the in-house investigators have received training in conducting investigations in confinement settings.

Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. ACRJ maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the

relevant review period)

- Does Not Meet Standard (requires corrective action)

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Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and review of curriculum provided based on the following resources Sexual Assault in Jail and Juvenile Facilities: Promising Practices for Prevention and Response Final Report, June 2010 Preventing and Responding to Corrections-Based Sexual Abuse: A Guide for Community Corrections Professionals and review of training attendance rosters.

ACRJ ensures that all full and part-time medical and mental health care practitioners who work regularly have been trained in how to: detect and assess signs of sexual abuse and sexual harassment; preserve physical evidence of sexual abuse; respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

ACRJ maintains documentation that medical and mental health practitioners have received the training. Medical and mental health care practitioners also receive the training mandated for employees, contractors and volunteers.

Standard 115.41 Screening for risk of victimization and abusiveness

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

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Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA; ACRJ uses an Objective Jail Classification process an Initial Custody & Classification questionnaire. Based on interviews with random inmates, Classification Supervisor, Classification Officers and the ACRJ PREA Coordinator.

All inmates are assessed during an intake screening and upon transfer to another facility for risk of being sexually abused by other inmates or sexually abusive toward other inmates.

At the time of the audit ACRJ was not conducting Intake screenings within 72 hours of arrival at ACRJ. ACRJ had yet to develop an objective screening instrument.

Corrective Action Plan:

1. Develop an intake screening process to consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

(a) Whether the inmate has a mental, physical, or developmental disability;

- (b) The age of the inmate;
 - (c) The physical build of the inmate;
 - (d) Whether the inmate has previously been incarcerated;
 - (e) Whether the inmate’s criminal history is exclusively nonviolent;
 - (f) Whether the inmate has prior convictions for sex offenses against an adult or child;
 - (g) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - (h) Whether the inmate has previously experienced sexual victimization;
 - (i) The inmate’s own perception of vulnerability; and
 - (j) Whether the inmate is detained solely for civil immigration purposes.
2. The initial screening must consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to ACRJ in assessing inmates for risk of being sexually abusive.
 3. Develop a process that within 30 days from the inmate’s arrival at ACRJ a reassessment of the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by ACRJ since the intake screening.
 4. Develop a process for an inmate’s risk level to be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.
 5. Ensure inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked.
 6. Develop a process that implements appropriate controls on the dissemination within ACRJ of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates.
 7. Monitor 90-120 days to demonstrate the assessment and new procedures have become a custom and practice concerning screening inmates.
 8. Ensure the process documents referral to mental health and feedback to classification as to the results of the referral.
 9. While not required – consider forming a MDT (Mental Health, Classification, PREA Inv and PREA Coordinator).
 10. Add language to policy to clarify these changes to include control accss to the risk assessment.

Standard 115.42 Use of screening information

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

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.

Based on interviews with the Classification Supervisor, Classification Staff and the ACRJ PREA Coordinator.

ACRJ does not currently use information from the risk screening to decide housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

ACRJ does not currently make individualized determinations about how to ensure the safety of each inmate.

In deciding housing and programming for a transgender or intersex inmate ACRJ does not have a process that considers on a case-by-case basis whether the placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

ACRJ does not currently have a process for placement and programming assignments for each transgender or intersex inmate is reassessed at least twice each year to review any threats to safety experienced by the inmate.

ACRJ does not currently have a process to consider a transgender or intersex inmate's own views with respect to his or her own safety are to be given serious consideration.

ACRJ does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status. However, staff interviewed do not recall ever processing a transgender or intersex inmate.

Corrective Action Plan:

1. Develop a risk screening tool and methodology for implementation and use.
2. Monitor 90-120 days to demonstrate the assessment and new procedures have become a custom and practice concerning screening inmates.

Standard 115.43 Protective custody

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the Classification Supervisor, Classification Staff and the ACRJ PREA Coordinator. No inmates were placed in involuntary segregation in the last 12 months.

Inmates at high risk for sexual victimization are not placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers.

Inmates placed in segregated housing for this purpose have access to programs, privileges, education, and work opportunities to the extent possible. If ACRJ restricts access to programs, privileges, education, or work

opportunities, ACRJ documents the opportunities that have been limited, the duration of the limitation; and the reasons for such limitations.

ACRJ assigns such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment would not ordinarily exceed a period of 30 days. If involuntary segregated housing assignment is made ACRJ clearly documents the basis for ACRJ's concern for the inmate's safety; and the reason why no alternative means of separation can be arranged. Every 30 days a review will be performed to determine whether there is a continuing need for separation from the general population.

Standard 115.51 Inmate reporting

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA, and Inmate Handbook. The inmates have a hotline they can call. Based on interviews with random staff and inmates.

ACRJ provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmate request forms have how to report sexual abuse and the hotline number posted in close proximity to phones in the inmate housing units as a constant reminder.

ACRJ provides at least one way for inmates to report abuse or harassment to the Offender Aid and Restoration (OAR), Charlottesville, Virginia an entity that is not part of ACRJ and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. ACRJ also has third party reporting to the Sexual Assault Resource Agency (SARA). SARA also acts as the Advocate. SARA is the agency that receives the inmate telephone calls.

Staff accepts reports made verbally, in writing, anonymously, and from third parties and promptly documents any verbal reports.

Standard 115.52 Exhaustion of administrative remedies

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

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.

Based on interviews with the ACRJ Command Staff and ACRJ PREA Coordinator ACRJ does not provide inmates with an Administrative Remedy for allegations of Sexual Abuse and Sexual Harassment.

Standard 115.53 Inmate access to outside confidential support services

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

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.

Based on Memorandum of Understanding with the The Sexual Assault Resource Agency, interviews with representatives from The Sexual Assault Resource Agency, the ACRJ PREA Coordinator and interviews with random inmates.

ACRJ provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, for the The Sexual Assault Resource Agency. ACRJ enables reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

ACRJ informs inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Standard 115.54 Third-party reporting

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

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.

ACRJ has a method to receive third-party reports of sexual abuse/harassment through a Memorandum of Understanding with the Offender Aid and Restoration and distributes publicly, information on how to report sexual abuse and sexual harassment on behalf of an inmate. ACRJ also has third party reporting to the Sexual Assault

Resource Agency (SARA). SARA also acts as the Advocate. SARA is the agency that receives the inmate telephone calls. The information is publicly posted in the lobby and available on the agency web page <http://www.albemarle.org/department.asp?department=jail&relpage=20536>

Standard 115.61 Staff and agency reporting duties

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with random line, supervisory staff and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and medical/mental health staff.

ACRJ requires 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 ACRJ; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Apart from reporting to designated supervisors or officials, staff do not reveal 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.

Standard 115.62 Agency protection duties

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with random line and supervisory staff, the ACRJ Command Staff and ACRJ PREA Coordinator.

Immediate action is taken to protect inmates when ACRJ learns that an inmate is subject to a substantial risk of imminent sexual abuse

Standard 115.63 Reporting to other confinement facilities

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

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.

Based review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff and ACRJ PREA Coordinator.

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the ACRJ will notify the head of correctional facility or appropriate office of the correctional facility where the alleged abuse occurred. Such notification will be provided as soon as possible, but no later than 72 hours after receiving the allegation; all actions will be thoroughly documented. ACRJ has adequately documented making notification to a previous facility if any allegations are received from new inmates concerning being sexually abused while confined at another facility.

Standard 115.64 Staff first responder duties

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

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.

Based review of the SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with random line and supervisory staff who are first responders.

Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond separates the alleged victim and abuser; preserves and protects any crime scene until appropriate steps can be taken to collect any evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first staff responder is not a security staff member, the responder requests that the alleged victim not take any actions that could destroy physical evidence, and then notifies security staff.

Standard 115.65 Coordinated response

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

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.

Based review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with random line and supervisory staff who are first responders.

ACRJ has 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.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

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

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.

Based on interviews with the ACRJ Command Staff and ACRJ PREA Coordinator ACRJ does not have collective bargaining agreements.

Standard 115.67 Agency protection against retaliation

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff and ACRJ PREA Coordinator.

ACRJ has a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperates with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and designate the ACRJ PREA Coordinator with monitoring retaliation. By policy the ACRJ PREA Coordinator monitors weekly for 90 days.

ACRJ has multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

By policy, for or at least 90 days following a report of sexual abuse, the ACRJ monitors the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and are act promptly to remedy any such retaliation. There are periodic status checks performed. Items ACRJ monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. ACRJ continues such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

If any other individual who cooperates with an investigation expresses a fear of retaliation, ACRJ takes appropriate measures to protect that individual against retaliation.

Corrective Action Plan:

1. Develop a documented process for retaliation reviews. While the agency is currently conducting reviews, the agency is documenting that the inmate acknowledges the review by signature. Modify the policy and practice to ensure the inmate acknowledges the retaliation review in writing.
2. Monitor documentation for at least 90-120 days to ensure the process has become a custom and practice.

Standard 115.68 Post-allegation protective custody

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with ACRJ Command Staff and ACRJ PREA Coordinator, there were no inmates in segregation for risk of sexual victimization during the audit.

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse receive all the same rights and privileges as general population inmates.

Standard 115.71 Criminal and administrative agency investigations

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and ACRJ PREA Investigators. At the time the audit a number of completed administrative report were available for review.

The ACRJ conducts investigations promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

Where sexual abuse is alleged, ACRJ uses investigators who have received special training in sexual abuse investigations.

Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator.

When the quality of evidence appears to support criminal prosecution, ACRJ conducts compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. All criminal prosecution cases are referred to the Albemarle County Police Department.

The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person’s status as inmate or staff. No agency requires an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Criminal investigations are 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.

Substantiated allegations of conduct that appears to be criminal are referred for prosecution to the Albemarle County Police Department.

ACRJ retains all written reports for as long as the alleged abuser is incarcerated or employed by ACRJ plus five years.

The departure of the alleged abuser or victim from the employment or control of ACRJ or agency does not provide a basis for terminating an investigation.

Standard 115.72 Evidentiary standard for administrative investigations

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and ACRJ PREA Investigators.

ACRJ imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Standard 115.73 Reporting to inmates

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and ACRJ PREA Investigators.

Following an investigation into an inmate's allegation that they suffered sexual abuse in an ACRJ facility, ACRJ informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

If ACRJ did not conduct the investigation, it will request the relevant information from the investigative agency (currently ACPD) in order to inform the inmate.

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, ACRJ subsequently informs the inmate (unless ACRJ has determined that the allegation is unfounded) whenever the staff member is no longer posted within the inmate's unit; the staff member is no longer employed at ACRJ or ACRJ learns that the staff member has been indicted on a charge related to sexual abuse within ACRJ; or ACRJ learns that the staff member has been convicted on a charge related to sexual abuse within ACRJ.

Following an inmate's allegation that they had been sexually abused by another inmate, ACRJ subsequently informs the alleged victim whenever ACRJ learns that the alleged abuser has been indicted on a charge related to sexual abuse within ACRJ or ACRJ learns that the alleged abuser has been convicted on a charge related to sexual abuse within ACRJ. All such notifications or attempted notifications are documented.

An agency's obligation to report under this standard are terminated if the inmate is released from ACRJ's custody.

Standard 115.76 Disciplinary sanctions for staff

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and ACRJ PREA Investigators.

Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

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.

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.

Standard 115.77 Corrective action for contractors and volunteers

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff, ACRJ PREA Coordinator, and ACRJ PREA Investigators.

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

ACRJ takes appropriate remedial measures, and considers whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Standard 115.78 Disciplinary sanctions for inmates

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

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.

Based on SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA, interviews with ACRJ Command Staff, ACRJ PREA Coordinator, ACRJ PREA Investigators and mental health staff.

Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

ACRJ assesses whether to offer therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, on a case-by-case basis.

ACRJ disciplines an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred are not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

ACRJ prohibits all sexual activity between inmates and may discipline inmates for such activity.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with staff responsible for risk screening and medical/mental health staff

ACRJ does not have a process if the screening indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff do not have a process of ensuring that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

Corrective Action Plan:

1. Develop a process to ensure if the screening indicates that an inmate has experienced prior sexual victimization that a meeting occurs with medical or mental health practitioner within 14 days of the intake screening.
2. If the screening indicates that an inmate has previously perpetrated sexual abuse/prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
3. Develop a process to ensure any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
4. Ensure Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.
5. Without data for at least 90-120 days to prove that you’ve actually done the assessment it’s difficult to determine if you have a custom and practice concerning screening inmates.
6. Feedback provided to Classification

Standard 115.82 Access to emergency medical and mental health services

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with staff responsible for risk screening and medical/mental health staff

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

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders take preliminary steps to protect the victim and are immediately notify the appropriate medical and mental health practitioners.

Inmate 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.

Treatment services are 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.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with staff responsible for risk screening and medical/mental health staff

ACRJ offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in the jail.

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.

ACRJ provides such victims with medical and mental health services consistent with the community level of care.

Inmate victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results, victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

Treatment services are 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.

Standard 115.86 Sexual abuse incident reviews

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff and ACRJ PREA Coordinator, and ACRJ PREA Investigators. Documentation of Critical Incident Reviews is maintained by ACRJ.

ACRJ conducts 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. This review occurs within 30 days of the conclusion of the investigation. The review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; 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 ACRJ and they examine the area in ACRJ where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

Standard 115.87 Data collection

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the ACRJ Command Staff and ACRJ PREA Coordinator.

ACRJ collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice; ACRJ responded to the annual survey in 2014.

ACRJ maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

If required, ACRJ will provide all such data from the previous calendar year to the Department of Justice no later than June 30. No requests have been made.

Standard 115.88 Data review for corrective action

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the and interviews with the ACRJ Command Staff and ACRJ PREA Coordinator.

ACRJ reviews data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective.

Such reports includes a comparison of the current year's data and corrective actions with those from prior years (when available) and provide an assessment of ACRJ's progress in addressing sexual abuse.

ACRJ's, report is approved by ACRJ Superintendent and made readily available to the public through its website <http://www.albemarle.org/department.asp?department=jail&relpage=20536>

Standard 115.89 Data storage, publication, and destruction

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

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.

Based on review of SOP 13.37 Federal Sexual Assault Reporting Regulation: Procedure in the Event of Sexual Assault; Prison Rape Elimination Act PREA and interviews with the and interviews with the ACRJ Command Staff and ACRJ PREA Coordinator.

ACRJ makes 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 <http://www.albemarle.org/department.asp?department=jail&relpage=20536>

All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires.

AUDITOR CERTIFICATION

I certify that:

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



July 11, 2016

Auditor Signature

Date