

PREA Facility Audit Report: Final

Name of Facility: Missoula County Juvenile Detention Facility

Facility Type: Juvenile

Date Interim Report Submitted: NA

Date Final Report Submitted: 07/28/2023

| Auditor Certification | |
|---|--------------------------------------|
| The contents of this report are accurate to the best of my knowledge. | <input type="checkbox"/> |
| No conflict of interest exists with respect to my ability to conduct an audit of the agency under review. | <input type="checkbox"/> |
| I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template. | <input type="checkbox"/> |
| Auditor Full Name as Signed: Karen d. Murray | Date of Signature: 07/28/2023 |

| Auditor Certification | |
|-------------------------------------|------------------------|
| Auditor name: | Murray, Karen |
| Email: | kdmconsults1@gmail.com |
| Start Date of On-Site Audit: | 06/27/2023 |
| End Date of On-Site Audit: | 06/28/2023 |

| FACILITY INFORMATION | |
|-----------------------------------|---|
| Facility name: | Missoula County Juvenile Detention Facility |
| Facility physical address: | 2340 Mullan Road, Missoula, Montana - 59808 |
| Facility mailing address: | |

| Primary Contact |
|-----------------|
|-----------------|

| | |
|--------------------------|-------------------------------|
| Name: | Lorna Buckingham |
| Email Address: | lbuckingham@missoulacounty.us |
| Telephone Number: | (406) 258-4016 |

| Superintendent/Director/Administrator | |
|--|-----------------------------|
| Name: | Jason Kowalski, Commander |
| Email Address: | jkowalski@missoulacounty.us |
| Telephone Number: | 406-258-4498 |

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

| Facility Health Service Administrator On-Site | |
|--|-------------------------|
| Name: | Lori Coleman (Wellpath) |
| Email Address: | lcoleman@wellpath.us |
| Telephone Number: | 9709017659 |

| Facility Characteristics | |
|--|------------------------|
| Designed facility capacity: | 24 |
| Current population of facility: | 14 |
| Average daily population for the past 12 months: | 14 |
| Has the facility been over capacity at any point in the past 12 months? | No |
| Which population(s) does the facility hold? | Both females and males |

| | |
|--|--------------------|
| Age range of population: | 10-17 |
| Facility security levels/resident custody levels: | minimum to maximum |
| Number of staff currently employed at the facility who may have contact with residents: | 29 |
| 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: | 29 |

| AGENCY INFORMATION | |
|--|---|
| Name of agency: | Missoula County Sheriff's Department |
| Governing authority or parent agency (if applicable): | |
| Physical Address: | 2340 Mullan Road, Missoula, Montana - 59808 |
| Mailing Address: | 2340 Mullan Road, Missoula, - 59808 |
| Telephone number: | 4062584000 |

| Agency Chief Executive Officer Information: | |
|--|-----------------------------|
| Name: | Sheriff Jeremiah Petersen |
| Email Address: | jpetersen@missoulacounty.us |
| Telephone Number: | 1-406-258-3303 |

| Agency-Wide PREA Coordinator Information | | | |
|---|------------------|-----------------------|-------------------------------|
| Name: | Lorna Buckingham | Email Address: | lbuckingham@missoulacounty.us |

Facility AUDIT FINDINGS

Summary of Audit Findings

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.

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.

Number of standards exceeded:

4

- 115.315 - Limits to cross-gender viewing and searches
- 115.341 - Obtaining information from residents
- 115.342 - Placement of residents
- 115.383 - Ongoing medical and mental health care for sexual abuse victims and abusers

Number of standards met:

39

Number of standards not met:

0

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

| | |
|---|------------|
| 1. Start date of the onsite portion of the audit: | 2023-06-27 |
| 2. End date of the onsite portion of the audit: | 2023-06-28 |

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: | YWCA - Advocate First Step Resource Center - SANE/SAFE |

AUDITED FACILITY INFORMATION

| | |
|--|--|
| 14. Designated facility capacity: | 24 |
| 15. Average daily population for the past 12 months: | 14 |
| 16. Number of inmate/resident/detainee housing units: | 1 |
| 17. Does the facility ever hold youthful inmates or youthful/juvenile detainees? | <input checked="" type="radio"/> Yes <input type="radio"/> No <input 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: | 14 |
| 37. Enter the total number of youthful inmates or youthful/juvenile detainees in the facility as of the first day of the onsite portion of the audit: | 14 |
| 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: | 0 |
| 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: | 1 |
| 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 |

| | |
|---|--------------------------|
| <p>43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:</p> | <p>1</p> |
| <p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p> | <p>1</p> |
| <p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p> | <p>0</p> |
| <p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p> | <p>1</p> |
| <p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p> | <p>0</p> |
| <p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p> | <p>No text provided.</p> |
| <p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p> | |
| <p>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:</p> | <p>29</p> |

| | |
|--|---|
| 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: | 29 |
| 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: | 17 |
| 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. |
| INTERVIEWS | |
| Inmate/Resident/Detainee Interviews | |
| Random Inmate/Resident/Detainee Interviews | |
| 53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed: | 6 |
| 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 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 |

| | |
|---|--|
| 55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse? | Upon arrival to the facility the Auditor was provided a roster of youth. Of the 14 youth, 10 were randomly selected by the Auditor by race, housing assignment and gender. |
| 56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| 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. |
| Targeted Inmate/Resident/Detainee Interviews | |
| 58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed: | 4 |
| <p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p> | |
| 59. Enter the total number of interviews conducted with youthful inmates or youthful/juvenile detainees using the "Youthful Inmates" protocol: | 5 |
| 60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol: | 0 |

| | |
|---|---|
| <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 of the facility, interviews with staff and youth and file review, this category of youth did not appear to be in the facility during the onsite review.</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 of the facility, interviews with staff and youth and file review, this category of youth did not appear to be in the facility during the onsite review.</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 of the facility, interviews with staff and youth and file review, this category of youth did not appear to be in the facility during the onsite review.</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 of the facility, interviews with staff and youth and file review, this category of youth did not appear to be in the facility during the onsite review.</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 of the facility, interviews with staff and youth and file review, this category of youth did not appear to be in the facility during the onsite review.</p> |
| <p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p> | <p>1</p> |
| <p>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>1</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 of the facility, interviews with staff and youth and file review, this category of youth did not appear to be in the facility during the onsite review.</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>2</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 of the facility, interviews with staff and youth and file review, this category of youth did not appear to be in the facility during the onsite review.</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 <input checked="" type="checkbox"/> Shift assignment <input checked="" type="checkbox"/> Work assignment <input type="checkbox"/> Rank (or equivalent) <input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken) <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 <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 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 checked="" 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 security staff on both shift were interviewed during the onsite review.</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>13</p> |
| <p>76. Were you able to interview the Agency Head?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |
| <p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> |

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

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

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

| | |
|---|---|
| | <input type="checkbox"/> Other |
| 81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| a. Enter the total number of VOLUNTEERS who were interviewed: | 1 |
| b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply) | <input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other |
| 82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility? | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| a. Enter the total number of CONTRACTORS who were interviewed: | 2 |
| b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply) | <input type="checkbox"/> Security/detention <input type="checkbox"/> Education/programming <input checked="" type="checkbox"/> Medical/dental <input type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other |
| 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 |
| 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 |
| 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 |
| 87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)? | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| 88. Informal conversations with staff during the site review (encouraged, not required)? | <input type="radio"/> Yes <input checked="" type="radio"/> No |

| | |
|--|--------------------------|
| <p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p> | <p>No text provided.</p> |
|--|--------------------------|

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.

| | |
|--|--|
| <p>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</p> | <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> |
|--|--|

| | |
|---|--------------------------|
| <p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p> | <p>No text provided.</p> |
|---|--------------------------|

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

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

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

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

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

| | # of sexual harassment allegations | # of criminal investigations | # of administrative investigations | # of allegations that had both criminal and administrative investigations |
|---|------------------------------------|------------------------------|------------------------------------|---|
| Inmate-on-inmate sexual harassment | 8 | 0 | 8 | 0 |
| Staff-on-inmate sexual harassment | 0 | 0 | 0 | 0 |
| Total | 8 | 0 | 8 | 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 | 1 | 0 | 0 |
| Staff-on-inmate sexual abuse | 0 | 0 | 0 | 0 |
| Total | 0 | 1 | 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 | 2 | 1 | 6 |
| Staff-on-inmate sexual harassment | 0 | 0 | 0 | 0 |
| Total | 0 | 2 | 1 | 6 |

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

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

1

| | |
|---|---|
| <p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p> |
| <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>1</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 checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p> |
| <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> |
|---|--|

Sexual Harassment Investigation Files Selected for Review

| | |
|--|----------|
| <p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p> | <p>9</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 checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p> |
|---|---|

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>9</p> |
|---|----------|

| | |
|---|--|
| <p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p> |
|---|--|

| | |
|---|--|
| <p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p> | <p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p> |
|---|--|

| Staff-on-inmate sexual harassment investigation files | |
|--|--|
| 111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled: | 0 |
| 112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files) |
| 113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations? | <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files) |
| 114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files. | No text provided. |
| SUPPORT STAFF INFORMATION | |
| DOJ-certified PREA Auditors Support Staff | |
| 115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly. | <input type="radio"/> Yes <input checked="" type="radio"/> No |

Non-certified Support Staff

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

Yes

No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

The audited facility or its parent agency

My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)

A third-party auditing entity (e.g., accreditation body, consulting firm)

Other

| Standards |
|--|
| <p>Auditor Overall Determination Definitions</p> <ul style="list-style-type: none"> • 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) |
| <p>Auditor Discussion Instructions</p> <p>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.</p> |

| 115.311 | Zero tolerance of sexual abuse and sexual harassment; PREA coordinator |
|----------------|--|
| | <p>Auditor Overall Determination: Meets Standard</p> |
| | <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility Organization Chart, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Youth 2. Targeted Youth 3. Detention Officers |

4. Juvenile Unit Manager

5. PREA Coordinator

Interviews with youth demonstrated each had been made aware of PREA within the first hour of arriving to the facility. All youth interviewed stated they were sexually safe in the program.

Through interviews with youth and staff and review of youth and staff files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both youth and staff could speak to facility PREA practices and protocols being used as is described in the facility PREA Policy and Procedures. The PREA Coordinator could attest to having the required time to institute and implement PREA protocols.

Site Review Observation:

During the tour of the facility, the Auditor witnessed facility PREA Zero-Tolerance with internal and external reporting information for youth and external advocate postings throughout the facility. PREA Audit Notices were posted in both English and Spanish on orange paper, in many locations, throughout the facility. During the tour youth pods were observed in the dayroom area, each having a shower behind a $\frac{3}{4}$ wall, out of line of sight of camera view. The Unit Manager explained that all youth are locked down during showers to allow for optimum privacy.

(a) Missoula County Juvenile Detention Facility PAQ states the agency policy 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 policy outlining how it will implement the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment.

Missoula County Detention Center PREA Policy and Procedure – Juvenile Facility, page 3, section Policy, states, “The Missoula County Detention Facility has a zero-tolerance policy against all forms of sexual abuse and sexual harassment. MCDF prohibits all sexual activity between or with any youth(s) under our care and supervision. No staff may work at the facility before completing PREA training. Personnel are exempt from completing prior PREA training when responding to an emergency.”

(b) Missoula County Juvenile Detention Facility PAQ states the agency employs or designates an upper-level, agency-wide PREA Coordinator. The PREA Coordinator

| | |
|--|--|
| | <p>has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. The position of the PREA Coordinator in the agency's organizational structure.</p> <p>Missoula County Detention Center PREA Policy and Procedure – Juvenile Facility, page 3, section 115.311 PREA Coordinator, Procedure, states, “The PREA Coordinator will ensure a zero-tolerance philosophy throughout the entire organization to prevent, detect, and respond to sexual abuse and sexual harassment in the facility.”</p> <p>The facility provided a Missoula County Detention Facility Organization Chart. The organizational chart demonstrates the PREA Coordinator reports directly to the Administrative Commander who reports directly to the Undersheriff.</p> <p>(c) Missoula County Juvenile Detention Facility PAQ states this provision is not applicable as the facility does not have a PREA Manager.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| 115.312 | Contracting with other entities for the confinement of residents |
|----------------|--|
| | <p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> Missoula County Juvenile Detention Facility PAQ <p>Interviews:</p> <ol style="list-style-type: none"> PREA Coordinator <p>During the pre-audit phase, the PREA Coordinator stated the agency does not have privatized contracts for the care of their youth.</p> <p>(a) The Missoula County Juvenile Detention Facility PAQ states this standard is not applicable as the facility does not have contracts with private agencies for</p> |

| | |
|--|--|
| | <p>confinement services of their residents.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|---|
| 115.313 | Supervision and monitoring |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Annual Review of Staffing Assignment and Video Monitoring, dated June 2023 4. Missoula County Juvenile Detention Staffing Discrepancy Log, dated 6.5.2022 – 5.21.2023 5. Missoula County Detention Juvenile Facility Officer Activity Log (Unannounced Rounds), dated throughout 4.2023 through 6.1.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Detention Officers 2. Corporal 3. PREA Coordinator <p>Interviews with Detention Officers demonstrated rounds are logged in New World, the agency jail management system.</p> <p>Interviews with the Corporal demonstrated he conducts unannounced rounds at random times, initiating the round after performing a task, when doing cell checks and or throughout the day. The Corporal stated he completes rounds of the entire juvenile unit and documents his unannounced rounds in the New World system.</p> <p>During the interview with the PREA Coordinator, she was able to demonstrate</p> |

unannounced rounds logged in the New World system by opening rounds in the database and letting the Auditor review rounds for past months.

Site review observation:

Unannounced rounds documentation demonstrated rounds are documented in the Jail Management System, New World. Rounds are logged once per week by the Unit Manager and throughout the Corporal's shift, at least weekly.

(a) The Missoula County Juvenile Detention Facility PAQ states the agency requires each facility it operates 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 14. 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 24.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 5, section 115.313 Supervision and Monitoring, Policy, states, “MCDF will protect youth against sexual abuse and sexual harassment by limiting the possibility that youth and staff will be left alone and unmonitored through adequate and ongoing supervision. MCDF will ensure that the facility shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect youth against sexual abuse.

The PREA Coordinator, along with the Facility Administration, will conduct an annual assessment to determine if staffing patterns, video monitoring systems, other technologies and resources are adequate to ensure the protection of youth against sexual abuse and sexual harassment by limiting the possibility that youth and staff will be left alone and unmonitored through adequate and ongoing supervision. “

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 5-6, section 115.313 Supervision and Monitoring, Procedure, states, “MCDF will maintain a staffing plan that provides for adequate levels of staffing to ensure for the protection of each youth against sexual abuse and sexual harassment. When with a youth, staff is to remain in an area that can be observed by another staff member directly or through video monitoring system. In situations where additional staffing is needed, the Supervisor will be notified, and additional staff will be made

available. MCDF maintains a staffing ratio of 1:8 during waking hours and 1:12 during sleeping hours.

MCDF shall comply with the staffing plan except during limited discrete exigent circumstances and shall fully document deviations from the plan during such circumstances.

When MCDF is calculating the appropriate staffing levels and determining the need for video monitoring, the following items shall be taken into consideration:

- (1) Generally accepted detention and correctional practices;
- (2) Any judicial findings of inadequacy;
- (3) Any findings of inadequacy from Federal investigative agencies;
- (4) Any findings of inadequacy from internal or external oversight bodies;
- (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
- (6) The composition of the inmate population;
- (7) The number and placement of supervisory staff;
- (8) Facility programs occurring on a particular shift;
- (9) Any applicable State or local laws, regulations, or standards;
- (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (11) Any other relevant factors."

The facility provided an Annual Review of Staffing Assignment and Video Monitoring. The staffing plan includes the following information.

1. Generally accepted adult correctional practices
 - a. Montana Jail Standards
 - b. Youth Administrative Rules of Montana
2. Any judicial findings of inadequacy
3. Any findings of inadequacy from federal investigative bodies

4. Any findings of inadequacy from internal or external oversight bodies (i.e.- Continuous Quality Improvement (CQI) process, Quality Assurance (QA) audits.
5. All components of the program's physical plant (including "blind spots" or areas where staff or residents may be isolated): (A map of the facilities 260 cameras and an attached listing was provided.)
 - a. Camera updates for the past years of 2019 - 2023.
6. The composition of the resident population (i.e.-gender ratios, risk/need of residents, physical size, Sexual Aggressive Behavior (SAB), Vulnerability to Victimization (VV).
7. The number and placement of supervisory staff
 - a. Adult Detention
 - i. Shift Staffing
 - ii. Transport
 - iii. Dayshift Staff
 - iv. Unit Managers
 - b. Juvenile Detention
 - i. Shift Staffing
 - c. Facility Administration
 - d. Deviation from the Staffing Plan
8. Programs occurring on a particular shift
 - a. Adult
 - b. Juvenile
9. Any applicable State or local laws, regulations, or standards
10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse
11. Any other relevant factors
 - a. Juvenile Facility Housing Assignments
 - i. Unit 1 - Restricted Pods - Pods A-G
 - ii. Unit 2 - Pods 1A - 2F
 - iii. Unit 3 - Restrictive Housing - Pods A-F

(b) The Missoula County Juvenile Detention Facility PAQ states each time the staffing plan is not complied with, the facility documents and justifies all deviations from the staffing plan. The PAQ states if documented, the six most common reasons for deviating from the staffing plan in the past 12 months. Common reasons for deviating from the staffing plan in the past 12 months is staff vacancies, vacation, medical sick leave.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 6, section 115.313 Supervision and Monitoring, section (b), states, “In circumstances where the staffing plan is not complied with, MCDF will document and justify all deviates from the plan.”

The facility provided a Missoula County Juvenile Detention Staffing Discrepancy Log. This log documents the following:

- Date
- Time – From/To
- Violation Type: Gender/Ratio
- Staff Deviation Reason Code
- Attempt(s) to Rectify – Number Codes

(c) The Missoula County Juvenile Detention Facility PAQ states the facility is obligated by law, regulation, or judicial consent decree to maintain staffing ratios of a minimum of 1:8 during resident waking hours and 1:16 during resident sleeping hours. The facility maintains staff ratios of a minimum of 1:8 during resident waking hours. The facility maintains staff ratios of a minimum of 1:12 during resident sleeping hours. In the past 12 months, the number of times the facility deviated from the staffing ratios of 1:8 security staff during resident waking hours was three. In the past 12 months, the number of times the facility deviated from the staffing ratios of 1:16 during resident sleeping hours was five.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 5, section Procedure, states, “MCDF will maintain a staffing plan that provides for adequate levels of staffing to ensure for the protection of each youth against sexual abuse and sexual harassment. When with a youth, staff is to remain in an area that can be observed by another staff member directly or through video monitoring system. In situations where additional staffing is needed, the Supervisor will be notified, and additional staff will be made available. MCDF maintains a staffing ratio of 1:8 during waking hours and 1:12 during sleeping hours.”

(d) The Missoula County Juvenile Detention Facility PAQ states at least once every year the agency or facility, in collaboration with the agency's PREA Coordinator, reviews the staffing plan to see whether adjustments are needed to: (a) the staffing plan; (b) prevailing staffing patterns; (c) the deployment of monitoring technology; or (d) the allocation of agency or facility resources to commit to the staffing plan to ensure compliance with the staffing plan.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 6, section 115.313 Supervision and Monitoring, section (c), states, "Whenever necessary, but not less frequently than once each year, in consultation with the PREA Coordinator required by 115.11, MCDF will assess, determine, and document whether adjustments are needed to:

1. The staffing plan established.
2. The facility's deployment of video monitoring systems and other monitoring technologies;
3. The resources the facility has available to commit to ensure adherence to the staffing plan."

(e) The Missoula County Juvenile Detention Facility PAQ states The facility requires that intermediate-level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 6-7, section 115.313 Supervision and Monitoring, section (d), states, "MCDF has implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. MCDF will have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

1. Unannounced rounds will be conducted by a supervisor (or designee) at least once per week per shift.
2. All rounds will be random and unannounced.
3. Unannounced rounds will be completed on all shifts.
4. Unannounced rounds shall be completed in each housing unit and program/

| | |
|--|---|
| | <p>common areas.</p> <p>5. Staff are prohibited from alerting other staff members that the supervisory rounds are occurring, unless such an announcement is related to the legitimate operational functions of the facility.</p> <p>6. Documentation of these rounds will be maintained in the JMS Correction Officer log.</p> <p>7. Documentation/findings of these rounds will be sent quarterly to the PREA Coordinator.</p> <p>The facility provided Missoula County Detention Facility Officer Activity Log (Unannounced Rounds). The log documents the following information.</p> <ul style="list-style-type: none"> · Date/Time · Activity (supervisor unannounced rounds) · Pod/Block · Officer ID · Entered Time · Entry User · Remarks <p>Unannounced rounds are documented once every one to four days during each shift, throughout the facility on the Officer Activity Log.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.315 | Limits to cross-gender viewing and searches |
| | Auditor Overall Determination: Exceeds Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile |

Facility, dated 5.2023

3. Cross-gender pat-down search video
4. Missoula County Detention Facility Acknowledgment of Employee PREA Training, dated 6.6.2022

Interviews:

1. Random Youth
2. Targeted Youth
3. Detention Officers

Interviews with youth demonstrated each believed the search processes to be conducted respectfully and by the same sex staff. Many of the youth stated they had not been searched since their intake and those searches did not involve strip searches.

Interviews with Detention Officers demonstrated each conducts same sex pat searches unless a transgender, intersex or a gender non-conforming youth requests a different sex staff. Staff stated they conduct searches under a camera and would document all cross-gender searches.

Site Review Observation:

1. Intake area
2. Search area

During the tour of the facility the Auditor observed Booking area which has a staff desk, two holding rooms, one with a shower and a toilet, one with a toilet (toilets behind a half wall, providing privacy), a clothing room and staff restroom. Youth are pat searched under the camera and staff verbalize each search area to youth before proceeding. During the onsite review a pat searched was observed in the hall. The search was conducted respectfully and the staff was observed to providing youth with instruction each phase of the search.

(a) The Missoula County Juvenile Detention 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 not conducted zero cross-gender strip or cross-gender visual body cavity searches of Residents.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 7, section Policy, states, “MCDF prohibits cross-gender strip, except in exigent circumstances. If required, the cross-gender strip search will be conducted by a trained staff member with a same gender witness in the room.

MCDF prohibits cross-gender pat down searches except in exigent circumstances. MCDF will document and justify all cross-gender pat-down searches.

MCDF prohibits staff of the opposite sex to view youth showering, changing clothes or performing bodily functions except when such view is incidental during routine cell (bed) checks.

MCDF will not search or physically examine a transgender or intersex youth for the sole purpose of determining the youth’s genital status.

MCDF will train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

(b) Missoula County Juvenile Detention Facility PAQ states the facility does not permit cross-gender pat-down searches of female residents, absent exigent circumstances. The number of pat-down searches of female residents that were conducted by male staff has been zero. The number of pat-down searches of female residents conducted by male staff that did not involve exigent circumstance(s) has been zero. Policy compliance can be found in provision (a) of this standard.

(c) Missoula County Juvenile Detention Facility PAQ states the facility policy requires that all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 7, section Procedure, first paragraph, states, “If required in exigent circumstances, when a cross-gender strip search is conducted, it will be done by a trained staff member, with a same gender witness. It will be conducted in a private setting and documented in the youth’s medical file. MCDF will not conduct visual

body cavity searches. If a warrant is obtained for the search, it will be completed by a medical professional.

When staff are entering opposite sex housing units, they will announce their presence each time they enter the unit.

If a youth's genital status is unknown, it may be determined during conversations with the youth, 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.

MCDF will train staff on cross gender searches during their PREA training and document completion. Staff will be required to watch the Cross-Gender and Transgender Pat Searches Video from the PREA Resource Center and will be provided a handout to refer to.”

(d) Missoula County Juvenile Detention 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 a resident housing unit/areas where residents are likely to be showering, performing bodily functions, or changing clothing. Policy compliance can be found in provision (c) of this standard.

(e) The Missoula County Juvenile Detention 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 did not occur in the past 12 months. Policy compliance can be found in provision (c) of this standard.

(f) The Missoula County Juvenile Detention Facility PAQ states the percent of all security staff who 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 is 100%. Policy compliance can be found in provision (c) of this standard.

| | |
|--|---|
| | <p>The facility provided the following web link for a cross-gender pat-down search video: https://vimeo.com/18364668.</p> <p>Through such reviews of the facility never conducting cross-gender searches and providing options for inmates to request same sex staff the transgender, intersex and gender non-conforming youth identifies with, the facility exceeds the standards requirements.</p> |
|--|---|

| | |
|----------------|---|
| 115.316 | Residents with disabilities and residents who are limited English proficient |
| | <p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Missoula County Sheriff Sexual Assault and Staff Sexual Misconduct Brochure, not dated 4. Language Line Services Agreement, dated 4.18.2022 5. National PREA Resource Center Video on Guidance in Cross-Gender and Transgender Pat Searches <p>Interviews:</p> <ol style="list-style-type: none"> 1. Targeted Youth 2. Detention Officer <p>Interviews with one cognitive delayed, autistic youth demonstrated he was aware of PREA, stated staff had told him it was his right not to be sexually harassed, sexually abused or retaliated against. The youth understood he could report through the PREA Hotline; however, because of his own trauma he did not feel comfortable reporting through any of the resources provided by the facility or a trusted adult in the community.</p> |

The interview with the Detention Officer demonstrated he educates each youth, during the booking process, before they are assigned a room, in the first hour of arrival, about PREA, by reading the pamphlet to them, asking them if they have questions and having them view a PREA video.

Site Observation:

During the onsite review the National PREA Resource Center Video in Cross-Gender and Transgender Pat Search video was reviewed. The video demonstrated the following learning objectives.

Solicit help before engaging:

- How to search wheel chair inmates;
- How to search special needs inmates to include: assessing mental health level, those with a mental and or emotional illness, mentally delayed, blind, phobias, psychiatric disorders, violent and or self destructive and those with medical issues.

Education:

- Assess or review collateral for intelligence quotient score/level and or sensory issues.
- Read to information to them.
- Explain protocol steps to ensure they understand what they are taught.
- Review information with the inmate to ensure each understands information introduced.

(a) The Missoula County Juvenile Detention Facility PAQ states the agency has established procedures to provide disabled Residents equal opportunities to be provided with and learn about the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 8, section 115.316, section Policy (a), states, “MCDF will take appropriate steps to ensure that youth with disabilities (including, for example, youth who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the program's efforts to prevent, detect,

and respond to sexual abuse and sexual harassment.

(a) When necessary to ensure effective communication with youth who are deaf or hard of hearing, MCDF will provide access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, MCDF shall ensure that written materials are provided in formats or through methods that ensure effective communication with youth with disabilities, including youth who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

Note: A program is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164.”

(b) The Missoula County Juvenile Detention Facility PAQ states the agency has established procedures to provide residents with limited English 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 8, section 115.316, section Policy, (b), states, “MCDF will take reasonable steps to ensure meaningful access to all aspects of the program’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to youth who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.”

The facility provided a Missoula County Sheriff Sexual Assault and Staff Sexual Misconduct Brochure. The brochure includes the following topics:

- You have the right to serve your sentence with dignity
- What is sexual assault
- Examples of sexual assault
- How to prevent sexual assault

What to do if you’ve been sexually assaulted – to include reporting option information

The facility provided a Language Line Services Agreement. The agreement demonstrates the facility has an agreement for language services for their youth.

(c) The Missoula County Juvenile Detention 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 §115.364, or the investigation of the resident's allegations. 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 §115.364, or the investigation of the resident's allegations was zero.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 8, section 115.316, section Policy, (c), states, "MCDF will not rely on youth interpreters, youth readers, or other types of youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth's safety, the performance of first-response duties under § 115.364, or the investigation of the youth's allegations."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 8, section 115.316, section Procedure, states, "MCDF contracts with Language Line Solutions for translation services to youth who are not English proficient. The PREA video will have closed capturing options for deaf youth and an American Sign Language translator will be available as need through Language Line Solutions. MCDF will utilize mental health and/or special education staff for youth with cognitive or intellectual delays. MCDF will not rely on youth interpreters, youth readers, or other types of youth assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the youth's safety, the performance of first-response duties, or the investigation of the youth's allegations. "

Through such reviews, the facility meets the standards requirements.

| | |
|----------------|--|
| 115.317 | Hiring and promotion decisions |
| | Auditor Overall Determination: Meets Standard |

Auditor Discussion

Document Review:

1. Missoula County Juvenile Detention Facility PAQ
2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023
3. Missoula County Sheriff’s Department Detention Policy and Procedure Manual, Policy No: 3-30, dated 4.22.2022

Interviews:

1. Assistant Jail Commander

Interviews with the Assistant Jail Commander demonstrated criminal background checks and Child Registry checks, and institutional reference checks are completed during the background investigation processes. The Assistant Jail Commander stated the facility was moving to conducting background checks at the beginning of every audit cycle. The Assistant Jail Commander was able to provide the Missoula County Sheriff’s Department Detention Policy and Procedure Manual, Policy No: 3-30, demonstrating page 2, section B. Scope of Investigations, a. The background investigation may include, but is not limited to the following: 14., states, “Institutional references to verify prior incidents of sexual abuse/sexual harassment.” The Assistant Jail Commander also stated Administrative Adjudication questions are completed after the background investigation process, during the promotion process and annually thereafter.

Site Review Observation:

By utilizing the PREA Audit – Juvenile Facilities Documentation Review Employee File/ Records template, five employee files reviewed demonstrated each had background checks upon hire and within five years, and completed Elder and Child Abuse Registry checks. The facility was able to demonstrate administrative adjudication questions had been asked during the hiring and promotion processes and institutional references were completed on all applicable employees.

- (a) The Missoula County Juvenile Detention Facility PAQ states the 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:
 - 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);
 - 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 in paragraph (a)(2) of this section.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 10, section Procedure, states, “MCDF will complete a thorough background check on all new employees prior to hire. The background will include the Disclosure of PREA employment Standards Violation form which is a self-disclosure for prior misconduct 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. MCDF will consult applicable child abuse registries and consider any incidents of sexual harassment in determining whether to hire or promote anyone. MCDF will perform a criminal background check for new hires, promotions, and every five years on current employees. MCDF will make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. MCDF will provide information of 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.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 9, section Policy (a) 1-3, states, “Prevent staff sexual misconduct by ensuring that individuals who have a prior history of being sexually abusive are not hired or contracted into positions where they may have contact with youth.

(a) MCDF will not hire or promote anyone who may have contact with youth, and shall not enlist the services of any contractor who may have contact with youth, 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.”

(b) The Missoula County Juvenile Detention Facility PAQ states agency policy requires the consideration of any incidents of sexual harassment when determining to hire and or promote anyone, or to enlist services of any contractor, who may have contact with youth.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 9, section Policy (b), states, “MCDF will consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with youth.”

(c) The Missoula County Juvenile Detention Facility PAQ states agency policy requires that before it hires any new employees who may have contact with residents, it (a) conducts criminal background record checks; (b) consults any child abuse registry maintained by the State or locality in which the employee would work; and (c) 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 was two.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 9, section Policy (c) 1-3, states, “Before hiring new employees who may have contact with youth, MCDF will:

(1) Perform a criminal background record check;

(2) Consult any child abuse registry maintained by the State or locality in which the employee would work; and

(3) 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.”

(d) The Missoula County Juvenile Detention Facility PAQ states the agency policy requires that a criminal background records check be completed, and applicable child abuse registries consulted 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. The PAQ states, "Wellpath-Mental Health and Missoula public schools-juvenile education."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 9, section Policy (d), states, "MCDF will also perform a criminal background records check, and consult applicable child abuse registries, before enlisting the services of any contractor who may have contact with youth."

(e) The Missoula County Juvenile Detention Facility PAQ states the agency policy requires that either criminal background records checks be conducted at least every five years of 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 9, section Policy (e), states, "MCDF will either conduct criminal background records check at least every five years of current employees and contractors who may have contact with youth or have in place a system for otherwise capturing such information for current employees."

(f) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 9, section Policy (f), states, "MCDF will also ask all applicants and employees who may have contact with youth directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. MCDF will also impose upon employees a continuing affirmative duty to disclose any such misconduct."

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

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 9, section Policy (g), states, "Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination."

| | |
|--|---|
| | <p>(h) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 10, section Policy (h), states, “Unless prohibited by law, MCDF will 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.”</p> <p>Through such reviews, the facility meets the standards requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.318 | Upgrades to facilities and technologies |
| | <p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Under Sherriff <p>Interviews with the Under Sheriff demonstrated the facility has not acquired a new facility or made substantial expansions since the last PREA Audit. The Under Sheriff stated requests for additional cameras were responded to ensure there were no blind spots, ensuring inmates were not hurting each other, review to follow up on issues for clarity and cameras have the ability to audio record.</p> <p>Site Review Observation:</p> <p>Multiple cameras were witnessed throughout the facility. Cameras were reviewed in the Juvenile Unit Manager’s Office and all were found to be operable. Each youth cell has a camera and toilet areas are blurred out to ensure privacy. Youth are instructed to change clothing in the shower area which is behind a ¾ door, also blurred out on cameras.</p> <p>(a) The Missoula County Juvenile Detention Facility PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing</p> |

facilities since the last PREA audit.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 10, section, 115.318- Upgrades to facility and technology, Policy, states, “Agencies will take sexual safety into consideration when making decisions about upgrades to facilities and technologies, the acquisition of new facilities, and during the process of designing any new facility or expansion of an existing facility.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 10, section, 115.318- Upgrades to facility and technology, Procedure, states, “MCDF will consider sexual safety when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology to protect inmates from sexual abuse.”

(b) The Missoula County Juvenile Detention Facility PAQ states the agency or 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.

Through such reviews, the facility meets the standard requirements.

| 115.321 | Evidence protocol and forensic medical examinations |
|---------|--|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | Document Review: <ol style="list-style-type: none">1. Missoula County Juvenile Detention Facility PAQ2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.20233. Memorandum of Understanding between The Missoula County Detention Facility and First Step Resource Center at Providence St. Patrick Hospital, dated 3.17.20224. Memorandum of Understanding between Missoula County Detention Center and the YWCA, dated 4.5.2023 |

5. Qualified Staff Certificate of Training, PREA: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting, dated 3.20.2023

Interviews:

1. Registered Nurse, Regional Director of Operations (contracted medical provider)
2. PREA Coordinator / Investigator

Interviews with Regional Director of Operations and the PREA Coordinator demonstrated the facility would contact the Sexual Abuse Nurse Examiner at the Third Step Facility where forensic exams and interviews would take place. The Regional Director of Operations stated there would be an immediate response, clothing would be removed to check them physically and medically for a SANE and youth are not allowed to shower or change until forensics come and provide instruction.

Site Review Observation:

There were zero sexual abuse allegations reported in the last 12 months.

(a) The Missoula County Juvenile Detention 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). Criminal Investigations are conducted by Missoula County Sheriff's Office. When conducting a sexual abuse investigation, the agency investigators follow a uniform evidence protocol.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 11, section 115.321- Evidence protocol and forensic medical examinations, section Policy (a), states, “The site PREA Coordinator will establish a written Memorandum of Understanding (MOU) with a medical facility that has Sexual Assault Forensic Examiners (SAFE) or Sexual Assault Nurse Examiners (SANE) personnel and with a Rape Crisis Center. MCDF programs will refer victims of sexual abuse to an agency that follows evidence protocols for forensic medical examinations.

(a) To the extent MCDF is responsible for investigating allegations of sexual

abuse, MCDF will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.”

(b) The Missoula County Juvenile Detention Facility PAQ states the protocol being developmentally is appropriate for youth. 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 11, section 115.321- Evidence protocol and forensic medical examinations, section Policy (b), states, “The protocol to be used is the “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents.”

(c) The Missoula County Juvenile Detention Facility PAQ states the facility offers all residents who experience sexual abuse access to forensic medical examinations. Forensic examinations are offered at no cost to the victim. Where possible, all examinations are conducted by SAFE or SANE examiners. There have been zero medical exams, SAFE/SANE exams performed in the last 12 months.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 11, section 115.321- Evidence protocol and forensic medical examinations, section Policy (c), states, “MCDF will offer all youth who experience sexual abuse access to forensic medical examinations whether on-site or at an outside program, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by 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 informed on the protocols listed above. MCDF will document its efforts to provide SAFEs or SANEs medical practitioners and place in the youth’s medical file.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 12, section 115.321- Evidence protocol and forensic medical examinations, section Procedure, states, “MCDF will maintain a Memorandum of Understanding (MOU) with First Step Resource Center at 900 N Orange Street, Missoula, MT 59802 to provide examinations performed by Sexual Assault Forensic Examiners (SAFE) and Sexual Assault Nurse Examiners (SANE). Youth will be transported to First Step

by staff for forensic medical examinations without financial cost. If SAFEs and SANES medical practitioners cannot be made available, the examination will be performed at Saint Patrick Hospital with other qualified medical practitioners informed on protocols. MCDF will document its efforts to provide SAFEs or SANES medical practitioners and place it in the youth's medical file.

MCDF will maintain a Memorandum of Understanding (MOU) with the YWCA at 1800 S 3rd Street West, Missoula, MT 59801, to make available to the victim, a victim advocate from a rape crisis center. The rape crisis center is available 24/7 by calling 1-800-483-7858. If a crime victim advocate is not available through the rape crisis center, MCDF will refer to the PREA Compliance Coordinator and document efforts to secure services from rape crisis centers. The PREA Compliance Coordinator will be required to successfully complete the NIC PREA: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting training and training records will be kept in the employee PREA file with Human Resource."

The facility provided a Memorandum of Understanding between The Missoula County Detention Facility and First Step Resource Center at Providence St. Patrick Hospital. This memorandum demonstrates First Step Resource Center agrees to provide SANE/SAFE forensic medical evaluations for the Missoula County Detention Facility. This memorandum has no obvious expiration date and was signed by the Administrative Jail Commander and the First Step Clinical Supervisor.

On 5.30.2023, at 8:21 am, this Auditor contacted the First Step Resource Center at 900 N. Orange Street, Missoula, Montana, phone number 406.329.5776. The call rang into a voicemail loop with options to leave a message. Option 3 for the Examiners was chosen and a detailed message was left for the nurses with a request to call back and verify First Step Resource Center accepts Missoula County Detention Center inmates for SANE/SAFE exams. On 5.30.2023 at 11:47 am, the Clinical Supervisor returned the call and stated of course they are aware of the agreement with the Missoula County Detention Center and would treat any of their inmates. The Clinical Supervisor stated there is nothing special the jail would need to do in preparation of bringing their inmates as they always do a good job and the have a really good working relationship."

Missoula County Detention Center inmates for SANE/SAFE exams. On 5.30.2023 at 11:47 am, the Clinical Supervisor returned the call and stated of course they are aware of the agreement with the Missoula County Detention Center and would treat any of their inmates. The Clinical Supervisor stated there is nothing special the jail would need to do in preparation of bringing their inmates as they always do a good job and the have a really good working relationship."

(d) The Missoula County Juvenile Detention Facility PAQ states the facility attempts to make a victim advocate from a rape crisis center available to the victim, in person or by other means. All efforts are documented. If a rape crisis center is not available to provide victim advocate services. The facility does employ qualified staff member to accompany victims.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 11, section 115.321- Evidence protocol and forensic medical examinations, section Policy (d), states, “MCDF will attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, MCDF shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. MCDF shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. MCDF may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement program) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.”

The facility provided a Memorandum of Understanding between Missoula County Detention Center and the YWCA. Page 1, second paragraph, states, “WHEREAS, Agency desires that Community Provider provide victim assistance and counseling services that are essential for Agency to comply with the Prison Rape Elimination Act (PREA).” The Memorandum of Understanding is signed and dated on 4.5.2023 by the MDCF Representative and the YWCA Representative.

(e) The Missoula County Juvenile Detention Facility PAQ states if requested by the victim, a victim advocate, or qualified agency staff member, or qualified community-based organization staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 11, section 115.321- Evidence protocol and forensic medical examinations, section Policy (e), states, “As requested by the victim, the victim advocate, qualified staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.”

The facility provided a Qualified Staff Certificate of Training, PREA: Behavioral Health Care for Sexual Assault Victims in a Confinement Setting. The certificate demonstrates the facility has a qualified staff member in the event a rape crisis center advocate is not available.

(f, g) The Missoula County Juvenile Detention Facility PAQ states if the agency is not responsible for investigating administrative or criminal 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 §115.321 (a) through (e) of the standards. The PAQ states, "Criminal investigations are conducted by the Missoula County Sheriff's Office. There is no MOU on file as MCJDF is part of that agency."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 11-12, section 115.321- Evidence protocol and forensic medical examinations, section Policy (f-g), state,

f. "To the extent MCDF itself is not responsible for investigating allegations of sexual abuse, MCDF will request that the investigating program follow the requirements of paragraphs (a) through (e) of this section.

g. The requirements of paragraphs (a) through (f) of this section shall also apply to:

(1) Any State entity outside of the program that is responsible for investigating allegations of sexual abuse in prisons or jails; and

(2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities."

(h) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 12, section 115.321- Evidence protocol and forensic medical examinations, section, Policy (h), states, "For the purposes of this standard, a qualified staff member or a qualified community- based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general."

Through such reviews, the facility meets the standard requirements.

| | |
|----------------|---|
| 115.322 | Policies to ensure referrals of allegations for investigations |
| | <p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Detention Officers 2. RN, Regional Director of Operations (contracted medical provider) 3. PREA Coordinator / Investigator <p>Staff interviews demonstrated each would immediately report all allegations to their immediate supervisor, the PREA Coordinator or law enforcement and contact the medical department to make sure the victim was taken care of as soon as it was safe to do so.</p> <p>Site Review Observation:</p> <p>There were 11 allegations in the past 12 months referred for investigation through different sources of allegations to include being from an officer observing inappropriate behavior while watching cameras, staff observation during rounds, verbal allegations from youth to Detention Officers, third party report by way of youth making a false call to the PREA hotline, third party through a youths’ observation, and a third party report from a community counselor.</p> <p>(a) The Missoula County Juvenile Detention Facility PAQ states the agency insures 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 eight allegations of sexual abuse and sexual harassment that were received. In the past 12 months, the number of allegations resulting in an administrative investigation was eight.</p> <p>Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 13, section 115.322- Policies to ensure referrals or allegations for</p> |

investigations, section Procedure, states, "MCDF will ensure that all reports of sexual abuse and sexual harassment are investigated. The determination of whether an allegation involves potentially criminal behavior will be made by the PREA Compliance Coordinator. Sexual harassment violations will be investigated by administrative staff who have completed the PREA: Investigating Sexual Abuse in a Confinement Setting training.

Criminal investigations of Sexual Abuse will be completed by the Missoula County Sheriff's Office. Administrative staff will reach out for updates on the investigation and document. The victim will have the right to know the outcome of the investigation and can request a copy of the report from the sheriff's office."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 12, section 115.322- Policies to ensure referrals or allegations for investigations, section Policy (a), states, "MCDF will ensure that an administrative investigation is completed for all allegations of sexual abuse and sexual harassment.

a) MCDF will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment."

(b-c) The Missoula County Juvenile Detention Facility PAQ states the agency has a policy that requires 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. The agency's policy regarding the referral of allegations of sexual abuse or sexual harassment for a criminal investigation is published on the agency website or made publicly available via other means. The facility has published their investigation policy on their website at <http://www.missoulacounty.us/government/public-safety/detention-facility>

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 12, section 115.322- Policies to ensure referrals or allegations for investigations, section (b-c), state,

b) "MCDF will have in place a policy 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. MCDF will publish such policy on its website and document all referrals.

| | |
|--|--|
| | <p>c) The Missoula County Sheriff’s Office is responsible for conducting criminal investigations, such publication will describe the responsibilities of both MCDF and the investigating entity.”</p> <p>(d) This standard is not applicable as the facility completes Administrative Investigations and the Missoula Sheriff’s Office is responsible for conducting Criminal Investigations.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| 115.331 | Employee training |
|----------------|---|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. National PREA Resource Center, Unit 1: The Prison Rape Elimination Act: Overview of the Law and Your Role PowerPoint, not dated 4. National PREA Resource Center, Unit 2: The Prison Rape Elimination Act: Inmates’ Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmates’ Rights to be Free from Retaliation for Reporting PowerPoint, not dated 5. National PREA Resource Center, Unit 3: The Prison Rape Elimination Act: Prevention and Detection of Sexual Abuse and Sexual Harassment PowerPoint, not dated 6. National PREA Resource Center, Unit 4: The Prison Rape Elimination Act: Professional Boundaries PowerPoint, not dated 7. National PREA Resource Center, Unit 5: The Prison Rape Elimination Act: Effective and Professional Communication with Inmates PowerPoint, not dated 8. Missoula County Detention Facility, Acknowledgement of Employee PREA Training, dated 6.6.2022 |

Interviews:

1. Detention Officers

Interviews with Detention Officers demonstrated each were aware of and received annual PREA refresher training through videos, policy review and in person training with the PREA Coordinator and the Lieutenant. When prompted, staff could speak to various information regarding separating youth, preserving persons, securing the scene until the police could arrive to collect evidence and notifying their Unit Manager or the supervisor on duty.

Site Observation:

By utilizing the PREA Audit - Juvenile Facilities Documentation Review Employee File/ Records template of five personnel files demonstrated each had received initial and annual refresher training within the past two years.

(a) The Missoula County Juvenile Detention Facility PAQ states the agency trains all employees who may have contact with Residents in all required provisions of this standard. PAQ states, "Staff will be required to watch Cross-Gender and Transgender Pat Searches <https://vimeo.com/183649668>

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 14, section Procedure, states, "MCDF will provide PREA training to all new employees within 6 months of hire. Employees will be required to provide a signature or electronic verification that they understand the training they have received. Documentation will be kept in employee files. All MCDF employees will receive an annual refresher training to ensure that staff can prevent, detect, and respond to sexual abuse and sexual harassment and to create a culture of sexual safety in the facility."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 13-14, section Policy (a) 1-13, states, "To ensure that staff can prevent, detect, and respond to sexual abuse and sexual harassment and to create a culture of sexual safety in the facility by educating all employees on:

1. Its zero-tolerance policy for sexual abuse and sexual harassment;
2. How to fulfill their responsibilities under program sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
3. Youths' right to be free from sexual abuse and sexual harassment;

4. The right of youth and staff to be free from retaliation for reporting sexual abuse and sexual harassment;
5. The dynamics of sexual abuse and sexual harassment in juvenile facilities;
6. The common reactions of juvenile victims of sexual abuse and sexual harassment;
7. How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth;
8. How to avoid inappropriate relationships with youth;
9. How to communicate effectively and professionally with youth, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming youth; and
10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities;
11. Relevant laws regarding the applicable age of consent.
12. There is no age of consent for juveniles in confinement.”

The facility provided the following training PowerPoint presentations: National PREA Resource Center, Unit 1: The Prison Rape Elimination Act: Overview of the Law and Your Role PowerPoint. This curriculum includes the following:

- Unit 1: The Prison Rape Elimination Act: Overview of the Law and Your Role
- Unit 2: Inmates’ Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmate Rights to be Free from Retaliation for Reporting
- Unit 3 Part I: Prevention and Detection
- Unit 3 Part II: Response and Reporting
- Unit 4: Professional Boundaries
- Unit 5: Effective and Professional Communication

National PREA Resource Center, Unit 2: The Prison Rape Elimination Act: Inmates’ Rights to be Free from Sexual Abuse and Sexual Harassment and Staff and Inmates’ Rights to be Free from Retaliation for Reporting PowerPoint. This curriculum includes the following:

- Understand agency policy and PREA requirements related to inmates’ right to be free from sexual abuse and sexual harassment

- Understand agency policy and PREA requirements related to staff and inmates' right to be free from retaliation for reporting

- Discuss the role of retaliation in contributing to a code of silence

National PREA Resource Center, Unit 3: The Prison Rape Elimination Act: Prevention and Detection of Sexual Abuse and Sexual Harassment PowerPoint. This training curriculum includes the following:

- Understand the dynamics of sexual abuse and sexual harassment in confinement settings

- Learn how to detect signs of threatened and actual sexual abuse by understanding common reactions of victims of sexual abuse and sexual harassment and common behaviors of abusers

- Apply learning objectives 1 and 2 to fulfill your responsibility under agency sexual abuse and sexual harassment prevention and detection policies and procedures

National PREA Resource Center, Unit 4: The Prison Rape Elimination Act: Professional Boundaries PowerPoint. This training curriculum includes the following:

- Reasons why relationships may occur in confinement settings between staff and inmates

- Identify inappropriate behaviors

National PREA Resource Center, Unit 5: The Prison Rape Elimination Act: Effective and Professional Communication with Inmates PowerPoint. This training curriculum includes the following:

- Define appropriate terminology to use when communicating with the Lesbian, Gay, Bi-Sexual, Transgender and Intersex (LGBTI) population

- Conduct professional communication with inmates, including LGBTI inmates

- Review and understand any relevant agency policy specific to LGBTI inmates

(b) The Missoula County Juvenile Detention Facility PAQ states training is tailored to the unique needs and attributes and gender of residents at the facility.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 14, section Policy, (b) paragraph, states, “Such training shall be tailored to the

unique needs and attributes of youth in the facility and to the gender of the youth in the facility. The staff shall receive additional training if the staff is reassigned from a program that houses only male youth to a program that houses only female youth, or vice versa.”

(c) The Missoula County Juvenile Detention 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 sexual harassment. The frequency with which employees who may have contact with residents receive refresher training on PREA requirements, every two years.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 14, section Policy, (c) paragraph, states, “MCDF will provide each employee with refresher training every two years to ensure that all employees know MCDF’s current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, MCDF shall provide refresher information on current sexual abuse and sexual harassment policies.”

(d) The Missoula County Juvenile Detention 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 14, section Policy, (d) paragraph, states, “MCDF will document, through attendance sheet which must include staff signature or electronic verification that staff understand the training they have received. Documentation will be kept in employee files.”

The facility provided a Missoula County Detention Facility, Acknowledgement of Employee PREA Training. Employees affirm the following training through this acknowledgement:

I acknowledge that I have been trained on the following PREA Standards to prevent, detect, and respond to sexual abuse and sexual harassment.

1. The zero-tolerance policy for sexual abuse and sexual harassment.
2. How to fulfill my responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.

| | |
|--|---|
| | <ol style="list-style-type: none"> 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, bi-sexual, transgender, intersex, or gender nonconforming inmates; and 10. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|---|
| 115.332 | Volunteer and contractor training |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility Prison Rape Elimination Act Training for Interns, Volunteers, and Contractors, dated 4.1.2022 4. Missoula County Detention Facility PREA Brochure for Interns, Volunteers, and Contractors, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Yoga Instructor (volunteer) 2. Teacher (summer contractor) |

3. RN, Regional Operations Director (medical/mental health contractor)

Medical and mental health and education contractors reported having initial and annual training that is given to all staff, both through their employers and the facility. Training received was based on the services each provides. Each could speak to reporting PREA allegations and or information to any officer, Child Protective Services and their employer.

Site Observation:

Review of contractor files demonstrated each had PREA training by their employers and the facility training personnel.

(a) The Missoula County Juvenile Detention 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 harassment prevention, detection, and response. "The number of volunteers and contractors, who 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 29."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 15, section 115.332- Volunteer and contractor training, Procedure, states, "MCDF will require all volunteers and contractors complete a "Read and Sign" explaining the facilities zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents. Documentation will be filed on site and volunteers and contractors will receive a copy of the PREA Brochure for Interns, Volunteers, and Contractors to take with them. PREA Compliance Coordinator will be available to answer questions regarding the zero-tolerance policy. "

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 14, section 115.332- Volunteer and contractor training, Policy (a), states, "All volunteers and contractors who have contact with youth will be trained on their responsibilities under MCDF's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

(a) 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 youth, but all volunteers and contractors who have contact with youth shall be notified of the agency's zero- tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents."

The facility provided a Prison Rape Elimination Act Training for Interns, Volunteers, and Contractors. This curriculum includes the following:

- Mission Statement
- Overview
- Purpose
- What are the primary objectives of the Prison Rape Elimination Act (PREA)?
- What are the procedures for reporting incidents and/or allegations of prison rape?
- Reporting Incidents/Allegations
- Volunteer / Contractor PREA Information
 - o Descriptions
 - o Sexual Abuse
 - o Sexual Harassment
 - o How to Report (including Third Party Reporting form and agency website, facility contact information and PREA Hotline)
- Training Affidavit to include volunteer and or contractor printed name, date, signature and work location.

The facility provided a Missoula County Detention Facility PREA Brochure for Interns, Volunteers, and Contractors. This brochure includes the following:

- o Purpose
- o What is PREA
- o How to Report
- o Definitions
- o Did you know?
- o Mission Statement

(b) The Missoula County Juvenile Detention Facility PAQ states the level and type of training provided to volunteers and contractors is based on the services they

| | |
|--|---|
| | <p>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>Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 15, section 115.332- Volunteer and contractor training, Policy (b), states, “MCDF will maintain documentation confirming that volunteers and contractors understand the training they have received.”</p> <p>(c) The Missoula County Juvenile Detention Facility PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received. Procedure compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| 115.333 | Resident education |
|----------------|---|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility – Sexual Assault and Staff Misconduct Brochure, not dated 4. Missoula County Detention Facility Acknowledgment of Inmate Education, dated 7.2022 5. Zero Tolerance for Sexual Abuse and Sexual Harassment Posting, not dated 6. Missoula County Detention Facility Inmate Information and Rule Book, dated 2022 |

Interviews:

1. Random Youth
2. Targeted Youth
3. Detention Officer / Intake staff
4. PREA Coordinator

Interviews with each youth demonstrated their knowledge of PREA provided to them during the booking process. Youth confirmed being provided education verbally and through a PREA video regarding their rights, the agency rules pertaining to PREA, how to report through talking with a guard, the kite system, the PREA Pamphlet, submitted a grievance, and the hotline number on the postings throughout the facility.

Site Observation:

Through utilization of the PREA Audit Juvenile Facilities Documentation Review Resident File / Records Review template demonstrated 10 of 10 youth received PREA education on the same day of intake to include orientation and comprehensive education.

(a) The Missoula County Juvenile Detention Facility PAQ states residents receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. 208 residents admitted in the past 12 months were given information at intake.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 15-16, section Procedure, states, "MCDF will provide youth the Sexual Assault and Staff Sexual Misconduct brochure at intake which will explain the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. Within 10 days of intake, youth will be required to watch the PREA: What You Need to Know video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents. During the orientation process, staff will answer questions from youth and review how to report sexual assault.

MCDF will ensure information is readily available or visible to youth through posters, brochures, and the inmate handbook. Posters will be visible in each unit and the visiting area. Each youth will also receive a copy of the inmate handbook which will provide reporting information. There will be a Spanish version posted with the English version. PREA video will be closed captioned and available in Spanish. If a

youth speaks a language other than English or Spanish, staff will utilize the Language Line for translation. Language Line will also provide America Sign Language translation as needed. For youth who have limited reading skills, staff will review the brochure and reporting information 1:1 to ensure the youth understands the information.”

The facility provided a Missoula County Detention Facility – Missoula County Detention Facility – Sexual Assault and Staff Misconduct Brochure. The brochure provided the following information.

- Sexual assault and staff sexual misconduct are against the law.
- MCDF is committed to your safety and the safety of staff.
- MCDF has ZERO TOLERANCE for sexual assault.
- What is sexual assault
- Examples of sexual assault
- How to prevent sexual assault
- What to do if you’ve been sexually assault
- PREA Hotline at 1.406.258.3668
- YWCA provides survivors of sexual abuse with emotional support services – to include YWCA address and phone number.
- How to report sexual assault and your options

(b) The Missoula County Juvenile Detention Facility PAQ states the number of those residents admitted in the past 12 months who received comprehensive age-appropriate education on their rights to be free from sexual abuse and sexual harassment, from retaliation for reporting such incidents, and on agency policies and procedures for responding to such incidents within 10 days of intake was 208.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 14, section Policy (a), states, “Youth shall receive information to prevent sexual abuse and sexual harassment and to encourage reporting by teaching youth about their right to be free from sexual abuse and sexual harassment, educating them about the ways they can report it, and making sure they understand what will happen if there is an incident of sexual abuse or sexual harassment, including what services are available to victims. Youth education can build their trust in staff and the facility’s commitment to safety, which may increase reporting and ultimately deter sexual abuse and sexual harassment.

(a) During the intake process, youth shall receive information explaining, in an age-appropriate fashion, the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment."

(c) The Missoula County Juvenile Detention Facility PAQ states of those who were not educated during 30 days of intake, all residents have been educated subsequently. All juveniles have been trained. Agency policy requires that residents who are transferred from one facility to another be educated 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 to the extent that the policies and procedures of the new facility differ from those of the previous facility.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 15, section Policy (b), states, "Within 10 days of intake MCDF shall provide comprehensive age-appropriate education to youth either in person or 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 MCDF's policies and procedures for responding to such incidents."

(d) The Missoula County Juvenile Detention Facility PAQ states Resident PREA education is available in accessible formats for all residents including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 15, section Policy (c), states, "MCDF will provide youth education in formats accessible to all youth, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to youth who have limited reading skills."

(e) The Missoula County Juvenile Detention Facility PAQ states the facility maintains documentation of resident participation in PREA education sessions.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility,

page 15, section Policy (d), states, "MCDF will maintain documentation of youth participation in these education sessions in the youth file."

The facility provided a Missoula County Detention Facility Acknowledgment of Inmate Education. This acknowledgment documents the following:

- I have received a copy of the Sexual Assault and Staff Sexual Misconduct brochure.
- I understand the zero-tolerance policy regarding sexual abuse, sexual misconduct, and sexual harassment.
- I received information on how to report directly to MCDF or to the PREA hotline AND how to contact a rape crisis center advocate.
- I understand my right to be free of retaliation for reporting. I had the opportunity to ask questions, and any questions were answered to my full understanding.

The acknowledgment requires the inmate printed name, signature, date and staff witness name and date. If the inmate refuses to sign a second staff name and date is required.

(f) The Missoula County Juvenile Detention 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 15, section Policy (e), states, "In addition to providing such education, MCDF shall ensure that key information is continuously and readily available or visible to youth through posters, youth handbooks, or other written formats."

The facility provided a Missoula County Detention Facility Inmate Information and Rule Book. Page 15, section 510. Prison Rape Elimination Act (PREA), states, "Established in 2003 with a final rule in 2012, PREA is a federal law established to address the elimination and prevention of sexual assault and sexual harassment within correctional and detention facilities. MCDF maintains a zero-tolerance policy for all sexual activity between or with any inmate(s) under our care and supervision. This includes inmate-on-inmate, and any of the following acts, with or without consent of the inmate by a staff member, contractor, or volunteer." The handbook also includes definitions, rights, reporting information to include the PREA Hotline, verbally reporting to staff, third party reporting options and advocate address and

phone number information.

The facility provided a Zero Tolerance for Sexual Abuse and Sexual Harassment Posting. This posting includes the following:

Right to Report

If you, or someone you know, are experiencing sexual abuse or sexual harassment, Missoula County Detention Facility wants to know. We want you to report right away! Why?

- We want to keep YOU safe; it is our job! It is your right to be free from sexual abuse and sexual harassment.
- We want to conduct an investigation of the reported incident.
- We want to hold the perpetrator accountable for his/her actions.
- We want to provide YOU with relevant information and support services.

How to Report

The Missoula County Detention Facility offers multiple ways to report sexual abuse and sexual harassment. Reports can be made verbally, in writing, anonymously, and via a third party. Below are the methods available to report.

- Call an outside entity PREA Hotline to report by dialing 406-258-3668.
- Report to any staff member, volunteer or contractor, including medical and mental health care staff.
- Submit a grievance or an inmate request.
- Report to the facility's PREA Compliance Coordinator.
- Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf through a third-party grievance to prea@missoulacounty.us. The third-party reporting form can be found on the website at <https://www.missoulacounty.us/government/public-safety/detention-facility/prison-rape-elimination-act>
- You also can submit a report on someone's behalf, or someone at the facility can report for you using the methods listed above.

Victim Support Services

Missoula County Detention Facility has partnered with the YWCA to provide survivors of sexual abuse with emotional support services. To access these services, contact 1-800-483-7858 or send a letter to: YWCA 1800 S 3rd St W, Missoula, MT 59801.

*Refer to the Inmate Information and Rule Book for more information on anonymous reporting and limits to confidentiality for emotional support services.

On 5.30.2023 at 9:14 am, the Auditor contacted the PREA Hotline at 406.258.3668. A message began stating, "You reached a confidential voicemail for the PREA Hotline. Please leave your name and the inmate you are reporting for. The Auditor left a detailed message explaining the reason for the call and further information on next steps, once this entity receives a report of sexual harassment or sexual abuse.

On 5.30.2023 at 11.24 am, the PREA Coordinator returned the call stating the facility would first separate inmates and staff. Next the facility would attempt to preserve evidence by locking down the alleged crime scene and preserving any evidence in the area and or on persons. The facility would immediately offer medical and mental health services to include a SANE or SAFE exam. The point person would be responsible for all internal and external reports who would not allow any staff that may be involved in the investigation. The facility would then begin the investigation process.

Through such reviews the facility meets the standard requirements.

| | |
|----------------|---|
| 115.334 | Specialized training: Investigations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 3. PREA Administrative Investigations for County Jails Curriculum, dated 1.20.2023 4. Missoula County Detention Facility Juvenile Grievance Extension Form, not dated |

5. Five Certificates of Completion, PREA: Investigating Sexual Abuse in a Confinement Setting

Interviews and on site file review:

1. PREA Coordinator / Investigator

The interview with the PREA Coordinator demonstrated she had completed specialized training for investigators and training mandated by §115.331. The investigator could articulate training included investigative protocols, interviewing of all victims, aggressors and witnesses, report writing to include a summary of interviews and assessment of credibility statements.

Site Observation:

During the pre-audit phase specialized training records for investigators were uploaded to the online audit system.

(a-b) The Missoula County Juvenile Detention Facility PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings. The PAQ states, "5 Criminal investigators with the Sheriff's Office, 5 Administrative investigations with the Detention Facility."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 16, section Procedure, states, "MCDF will provide specialized training to investigators who will be conducting administrative investigations in a confinement setting. Training will include NIC PREA: Investigating Sexual Abuse in a Confinement Setting which will cover Investigative Standards, Investigations, Working with Victims, Interviewing Techniques, and Institutional Culture and Investigations. MCDF will maintain documentation that agency investigators have completed the required specialized training. All criminal investigations will be referred to the Missoula County Sheriff's Office for investigation. MCDF will utilize a PREA Investigation check list to ensure policy and procedures are being followed."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 15, section Policy (a-b), state, "

(a) "In addition to the general training provided to all employees pursuant to PREA Standard 115.331, MCDF shall ensure that, to the extent the agency itself conducts sexual abuse administrative investigations, its investigators have received training in conducting such investigations in confinement settings.

(b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement setting, and the criteria and evidence required to substantiate a case for administrative action or law enforcement referral.”

The facility provided a PREA Administrative Investigations for County Jails Curriculum. Learning objectives include the following.

- Investigative Protocols and PREA Policy
- Definition related to Sexual Abuse and Harassment (PREA 115.6)
- Review PREA Standards
- Brady, Garrity, Miranda
- Interviewing and Questioning
- Investigative Steps
- Report Writing
- Writing the Final PREA Summary Reports

(c) The Missoula County Juvenile Detention Facility PAQ states the agency maintains documentation showing that investigators have completed the required training. The number of investigators currently employed who have completed the required training is 10.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 15, section Policy (c-d), state,

(a) MCDF will maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

(b) Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.”

The facility provided 10 Certificates of Completion, PREA: Investigating Sexual Abuse in a Confinement Setting. These certificates demonstrate Investigator Training was completed through the National Institute of Corrections for five investigators 4.1.2022, 4.5.2022, 5.17.2022, and 7.25.2022. Five investigators completed training through the Montana Department of Corrections on 1.25.2023.

Through such reviews the facility meets the standard requirements.

115.335 Specialized training: Medical and mental health care

Auditor Overall Determination: Meets Standard

Auditor Discussion

Document Review:

1. Missoula County Juvenile Detention Facility PAQ
2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023
3. Wellpath – Prison Rape Elimination Act Training (PREA), not dated
4. 13 Wellpath Academy Certificates of Completion Prison Rape Elimination Act Training

Interviews:

1. RN, Regional Operations Director
2. PREA Coordinator

The interview with the Regional Operations Director demonstrated she completed initial and annual training that is given to all staff, both through their employers and the facility. Training received was based on how to detect, preservation, respond and report allegations of sexual harassment and sexual abuse.

The interview with the PREA Coordinator demonstrated medical and mental health staff would complete specialized training each year.

Site Observation:

During the pre-audit phase, specialized training records were uploaded to the online audit system.

(a) The Missoula County Juvenile Detention Facility PAQ states the agency has a

policy related to the training of medical and mental health practitioners who work regularly in its facilities. The facility has 16 (100%) contractors who work at the facility have received training required by agency policy.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 17, section Procedure, states, “MCDF is contracted with First Step Providence with a SANE (Sexual Assault Nurse Examiner) and on site medical staff will not conduct forensic examinations. Medical and Mental Health staff will complete specialized training on PREA standards and procedures to include: How to detect and assess signs of sexual abuse and sexual harassment; How to preserve physical evidence of sexual abuse; How to respond effectively and professionally to juvenile victims of sexual abuse and sexual harassment; and How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Documentation of completion for each and employee and the training curriculum are provided to the PREA Compliance Coordinator. “

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 16, section Policy 1-4, states, “MCDF will ensure that all full and part-time medical and mental health care practitioners who work regularly in facilities will receive specialized training in:

- (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 juvenile victims of sexual abuse and sexual harassment; and
- (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The facility provided Wellpath – Prison Rape Elimination Act Training (PREA). This curriculum includes the following:

- Description
- Learning Objectives
 - o Explain the zero tolerance policy.
 - o Describe how health care staff can maintain professional relationships with inmates that do not violate any PREA standards or facility policy.

- o Identify characteristics which make an inmate more vulnerable to sexual abuse or harassment.
- o Identify examples of "red flags" which may indicate an inmate has been the victim of sexual abuse or harassment.
- o Describe the proper way for health care staff to preserve evidence of sexual abuse.
- o Provide examples of the security and custody requirements for all facilities as described in the PREA standards.

The curriculum includes a knowledge check test and results for each of the above areas.

(b) The Missoula County Juvenile Detention Facility PAQ states their medical staff do not conduct forensic medical exams. The PAQ states, "Forensic medical exams are conducted externally by SANEs/SAFEs at First Step Resource Center."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 16, section Policy (b), states, "If medical staff employed by the facility conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations."

(c) The Missoula County Juvenile Detention Facility PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 16, section Policy (c-d), state,

(a) "MCDF will maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the facility or elsewhere.

(b) Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.331 or for contractors and volunteers under § 115.332, depending upon the practitioner's status at the facility."

The facility provided Wellpath Certificates of Completion Prison Rape Elimination Act Training for 13 contractors. Certificates are dated 8.2021 through 6.3.2023.

Through such reviews the facility meets the standard requirements.

115.341 Obtaining information from residents

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

Document Review:

1. Missoula County Juvenile Detention Facility PAQ
2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023
3. Missoula County Detention Facility Prison Rape Elimination Act (PREA) Juvenile Rights Form / Juvenile Rights Screening Tool, not dated

Interviews:

1. Random Youth
2. Targeted Youth
3. Corporal

Interviews with five random youth, one cognitive youth, one gender non-conforming youth and two youth who had disclosed prior victimization demonstrated that risk assessments are completed at the time of booking, typically within one hour. Youth could attest to being asking questions about their criminal history, past abuse, their perception of safety while in the facility, sexual orientation and being referred to mental health.

The interview with the Corporal demonstrated he reads all intakes a statement that explains why the facility asks risk screening questions, the Prison Rape Elimination Act and where reporting information can be found throughout the facility, before conducting the risk screening. The Corporal stated the area where risk screenings are conducted is in the booking area, away from other staff and youth. The Corporal stated he assesses potential for harming themselves or others, if they are likely to be a victim based on size, and intellectual quotient. The Corporal stated he asks youth about their sexual orientation to ensure every step is taken to accommodate them to ensure they feel safe.

Site Observation:

Through utilization of the PREA Audit Juvenile Documentation Review Resident File / Records Review template, demonstrated 10 of 10 youth files had received screening on the day each were admitted into the facility. Each youth file demonstrated they had signed the statement explaining PREA, their rights and reasons why the facility asks risk screening questions.

(a) The Missoula County Juvenile Detention Facility PAQ states the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other residents. The 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 and 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 127.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19, section 115.341-Obtaining information from inmates, Procedure, states, “MCDF will read each youth the Prison Rape Elimination Act (PREA) Juvenile Rights Form and have it signed by youth to ensure they fully understand the statement. Following acknowledgement of the Rights Form, a risk assessment will be completed by staff for housing classification. The risk assessment will include all youth information described in policy. Information will be confidential and only the scored designation will be available to all staff. The PREA Compliance Coordinator will receive information on all youth who score as high risk for sexual harassment and/or assault. Risk assessment will be completed within 72 hours of intake.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 18, section 115.341-Obtaining information from inmates, Policy (a), states, “To ensure that the facility has identified those at heightened risk of being sexually victimized and those at heightened risk of being sexually abusive so that it can make housing and programming decisions with the goal being to use information to prevent sexual abuse.

(a) Within 72 hours of the youth’s arrival at the facility and periodically throughout a youth’s confinement, MCDF shall obtain and use information about each youth’s personal history and behavior to reduce the risk of sexual abuse by or upon a youth.”

(b) The Missoula County Juvenile Detention Facility PAQ states the Risk assessment is conducted using an objective screening instrument.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 18, section 115.341-Obtaining information from inmates, Policy (b), states, “Such assessments shall be conducted using an objective screening instrument.”

The facility provided a Missoula County Detention Facility Prison Rape Elimination Act (PREA) Inmate Rights / Juvenile Rights Screening Form. This form states the following to inmates. “The Missoula County Detention Facility has ZERO TOLERANCE for sexual abuse and sexual harassment. You have the right to be free from sexual abuse and sexual harassment, as well as from retaliation for reporting such incidents while you are here. You will be provided with information regarding our agency’s ZERO TOLERANCE policy and reporting procedures. We are asking the following questions to keep you sexually safe while in the Missoula County Detention Facility.

We are required to ask you a series of questions. Please understand that we are not forcing you to answer these questions, but we must ask each question individually.

If you chose not to answer a particular question, we will not hold it against you in any way. If you choose to answer the question, it is important that you answer truthfully.

If you fully understand this statement, please sign and date.”

Juvenile Rights Screening Form:

Name/Date

Sex assigned at birth: Male/Female/Intersex

Currently Identifies as: Male/Female/Transgender/Lesbian/Gay/Bisexual/Gender Nonconforming

Race: White/Hispanic/African American/Native American/Pacific Islander/Asian/ Other/Unknown

Current charges

1. How old are you?

a. 10-12 b. 13-15 c. 16-17

2. Is this your first time in a juvenile detention facility

3. Do you feel you get along with people?

4. Do you find it easy to make friends?

5. Do you feel okay being in groups of people you don't know well?

6. Do you never, sometimes, or often feel at risk from attack or abuse from other people?

Example: Have you received threats, insults, and harassment from other people?

a. Never b. Sometimes c. Often (please explain)

7. Have you never, sometimes, or often been attacked, bullied, or abused by your peers?

a. Never b. Sometimes c. Often (please explain)

8. Have you ever had a sexual experience that you did not want to have? (If yes, refer to mental health)

Was this reported? a. Yes, To whom? b. No

Have you ever received treatment/counseling for this? a. Yes - When/ Where/Was it (circle one): Completed Ongoing Discontinued b. No

9. Have you ever been arrested on a sexual offense? (If yes, refer to mental health)

a. Yes (what charge) b. No

10. Have you ever been arrested on a violent offense? (Assault, Robbery, Kidnapping, etc.)

a. Yes (what charge) b. No

11. Have you ever engaged in behavior that you would consider violent and/or sexual?

a. Yes (circle one) Violent / Sexual (If sexual, refer to mental health) b. No

12. Staff's perception of the juvenile's presentation and behavior (check all that apply):

13. Is there any observed behavior that does not appear age appropriate? (Example: cognitive/emotional)

a. Yes (please explain) b. No

14. File Review: Does the file indicate a sexual offense for any sexually related charge?

15. Overall risk score for vulnerability to victimization (Combine 1-7 & 12-13 scores):

16. Overall risk score for potential aggressor (Total of 9-11):

Is youth a known Victim? (answered "Yes" to question 8):

Is the youth a potential Victim? (Overall risk score on "A." is 9 or higher):

Is the youth a potential violent or sexual aggressor? (Overall risk score on "B." is 5 or higher):

Is the youth a known sexual aggressor? (Answered "yes" to question 14):

If "Yes" to being a known Victim and/or known sexual aggressor, Medical and Mental Health

Services must be offered. Does the youth want either of these services?

Is a report of abuse or neglect required? (If yes, submit via CPS & Law Enforcement)

Is a referral to mental health required? (Are either of the past 2 questions "Yes")

Staff Name & Badge/Date & Time Screened/Supervisor Review

(c) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 17, section 115.341-Obtaining information from inmates, Policy (c) 1-11, states, "At a minimum, MCDF shall attempt to ascertain information about:

- (1) Prior sexual victimization or abusiveness;
- (2) Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the youth may therefore be vulnerable to sexual abuse;
- (3) Current charges and offense history;
- (4) Age;
- (5) Level of emotional and cognitive development;
- (6) Physical size and stature;

| | |
|--|--|
| | <p>(7) Mental illness or mental disabilities;</p> <p>(8) Intellectual or developmental disabilities;</p> <p>(9) Physical disabilities;</p> <p>(10) The youth’s own perception of vulnerability; and</p> <p>(11) Any other specific information about individual youth that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other youth.</p> <p>(d) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 17, section 115.341-Obtaining information from inmates, Policy (d), states, “This information shall be ascertained through conversations with the youth during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the youth’s files.”</p> <p>(e) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 17, section 115.341-Obtaining information from inmates, Policy (e) states, “MCDF will implement 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 youth’s detriment by staff or other youth.”</p> <p>Through such reviews of youth being provided with and signing the Inmate Rights Form, explaining why the facility ask risk screening questions, their rights with an introduction of the Prison Rape Elimination Act, the facility exceeds the standards requirements.</p> |
|--|--|

| | |
|----------------|---|
| 115.342 | Placement of residents |
| | Auditor Overall Determination: Exceeds Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 |

3. Victim/Aggressor Tracking Sheet

4. Missoula County Detention Facility Juvenile Housing Per PREA, Exigent Circumstances Log, not dated

Interviews:

1. Targeted Youth
2. Random Youth
3. Corporal
4. Detention Unit Manager

Interviews with youth demonstrated each felt sexually safe in the facility. The interview with the gender non-conforming youth demonstrated he was comfortable in his pod and believed to be with a good group of youth.

The interview with the Corporal demonstrated the facility does their best to give youth their own room, especially those vulnerable to victimization, aggressive, transgender, intersex and gender non-conforming individuals.

Interviews with the Unit Manager demonstrated youth's information is available to all Detention Officers, at the time of screening, as all Detention Officers complete risk screenings. However, the Unit Manager reported once the assessment is placed in the facilities New World Jail Management system, only himself and the PREA Coordinator could see the screening.

Site Observation:

During the onsite review the Unit Manager provided a Missoula County Detention Facility Juvenile Housing Per PREA, Exigent Circumstances Log. The log documents the following information.

- PREA Status Legend for Known Victim (KV), Potential Victim (PV), Potential Aggressor (PA) and Known Aggressor (KA)
- Start Date / End Date
- Youth Name
- PREA Status
- Reason Why Housed Together - detailing facility housing issues and reason for

override.

(a) The Missoula County Juvenile Detention Facility PAQ states the facility uses information from the risk screening required by §115.3341 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.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 20, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Procedure, states, "The Administrative Team will meet weekly during the inmate management plan meeting to review any special circumstances with youth. "

The facility provided a Victim/Aggressor Tracking Sheet. The Tracking Sheet documents the following information.

- Booking date
- Cell
- Facility
- Pod
- Name
- Adult/Juvenile
- Aggressor / Victim
- Date Assessed

(b) The Missoula County Juvenile Detention Facility PAQ states the facility has a policy that residents at risk of sexual victimization may only be placed in isolation as a last resort if less restrictive measures are inadequate to keep them and other residents safe, and only until an alternative means of keeping all residents safe can be arranged. The facility policy requires that residents at risk of sexual victimization who are placed in isolation have access to legally required educational programming, special education services, and daily large-muscle exercise. The number of residents at risk of sexual victimization who were placed in isolation in the past 12 months was zero.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (a), states, “MCDF will use all information obtained pursuant to § 115.341 and subsequently to make housing, bed, program, education, and work assignments for youth with the goal of keeping all youth safe and free from sexual abuse.

(a) Youth may be isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other youth safe, and then only until an alternative means of keeping all youth safe can be arranged. During any period of isolation, MCDF shall not deny youth daily large-muscle exercise and any legally required educational programming or special education services. Youth in isolation shall receive daily visits from a medical or mental health care clinician. Youth shall also have access to other programs and work opportunities to the extent possible.”

(c) The Missoula County Juvenile Detention Facility PAQ states the facility prohibits placing lesbian, gay, bisexual, transgender, or intersex residents in particular housing, bed, or other assignments solely on the basis of such identification or status. The facility prohibits considering lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (b), states, “Lesbian, gay, bisexual, transgender, or intersex youth shall not be placed in particular housing, bed, or other assignments solely on the basis of such identification or status, nor shall MCDF consider lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive.”

(c) The Missoula County Juvenile Detention Facility PAQ states the agency or facility makes housing and program assignments for transgender or intersex residents in a facility on a case-by-case basis.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19-20, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (c), states, “In deciding whether to assign a transgender or intersex youth to a program for male or female youth, and in making other housing and programming assignments, MCDF will consider on a case-by-case basis whether a placement would ensure the youth’s health and safety, and whether the placement would present management or security problems.”

(d) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19-20, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (d), states, “Placement and programming assignments for each transgender or intersex youth shall be reassessed at least twice each year to review any threats to safety experienced by the youth.”

(e) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19-20, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (e), states, “A transgender or intersex youth’s own views with respect to his or her own safety shall be given serious consideration.”

(f) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19-20, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (f), states, “Transgender and intersex youth shall be given the opportunity to shower separately from other youth.”

(g) The Missoula County Juvenile Detention Facility PAQ states from a review of case files of residents at risk of sexual victimization who were held in isolation in the past 12 months, the number of case files that include BOTH: • A statement of the basis for facility's concern for the resident’s safety, and • The reason or reasons why alternative means of separation cannot be arranged is not applicable as zero youth have been held in isolation.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19-20, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (g) 1-2, states, “If a youth is isolated pursuant to paragraph (b) of this section, MCDF shall clearly document:

1. The basis for the program’s concern for the youth’s safety; and
2. The reason why no alternative means of separation can be arranged.”

(h) The Missoula County Juvenile Detention Facility PAQ states if a resident at risk of sexual victimization is held in isolation, the facility affords each such resident a review every 30 days to determine whether there is a continuing need for separation from the general population.

| | |
|--|---|
| | <p>Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 19-20, section 115.342- Placement of inmates in housing, bed, program, education, and work assignments, Policy (h), states, “Every 30 days, the Unit Manager shall afford each youth described in paragraph (g) of this section a review to determine whether there is a continuing need for separation from the general population.”</p> <p>Through such reviews of the Missoula County Detention Facility Juvenile Housing Per PREA, Exigent Circumstances Log and detailing reasons for overrides for housing placement, the facility exceeds the standard requirements.</p> |
|--|---|

| | |
|----------------|---|
| 115.351 | Resident reporting |
| | <p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility Inmate Information and Rule Book, dated 2022 4. Zero Tolerance Posting, not dated 5. Missoula County Detention Facility – Missoula County Detention Facility – Sexual Assault and Staff Misconduct Brochure, not dated 6. MCDF Staff PREA Training PowerPoint, dated 2023 7. Juvenile PREA Verbal Report Example, dated 3.24.2023 8. Missoula County Detention Facility PREA Third Party Reporting Form, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Youth 2. Targeted Youth |

3. Detention Officers

4. Juvenile Unit Manager

Interviews with youth demonstrated each were comfortable reporting verbally to any staff, using the PREA hotline found on postings throughout the facility. Youth were aware they could report anonymously, through the grievance and kite systems or telling a trusted adult in the community who could report for them.

Interviews with Detention Officers demonstrated each would accept reports from youth in any manner the youth chose to provide allegations of sexual harassment or sexual abuse.

The interview with the Juvenile Unit Manager demonstrated outgoing mail is not opened; however, addresses are verified before sending. Incoming mail is opened in the presence of youth to check for contraband and the envelope is thrown away.

Site Observations:

During the tour the PREA hotline number was tested from youth pods. A recorded message instructed youth to leave a detailed message, that the caller could be anonymous and the call was not monitored from inside the facility. After a proper introduction and the reason for the call, the Auditor requested a call back with information on how staff respond to such calls. On the same day a message was received by the Auditor from the Jail Commander stating if this was an actual PREA call he would take immediate action to separate and involve the PREA Coordinator, his investigators and begin all process to ensure safety within the facility.

(a) The Missoula County Juvenile Detention Facility PAQ states the agency has established procedures allowing for multiple internal ways for Residents to report privately to agency officials about sexual harassment, abuse, retaliation and or any type of neglect.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 21, section, 115.351- Inmate Reporting, Procedure, states, “MCDF staff who witness a PREA violation can report to the Sheriff’s office, the PREA hotline, to Human Resource, inform the PREA Compliance Coordinator, and/or report to any supervisor. Staff cannot remain anonymous and have a duty to report violations.

Regardless of its source, staff, contractors and/or volunteers who receive information concerning a youth and sexually abusive behavior, or who observe an incident of sexually abusive behavior, or who have a reasonable cause to suspect that a youth has been or is being subject to sexually abusive behavior must immediately report such to his/her supervisor and the shift supervisor and/or designee.

Youth will have the option of calling the PREA Hotline at 1-406-258-3668, file a written grievance, file a written request to medical staff, have a third party report filed on their behalf via the website, <https://www.missoulacounty.us/government/public-safety/detention-facility>, and they can report verbally to any staff member. “

On 6.7.2023 at 1:42 pm, this Auditor phoned the third party PREA hotline at 406.258.3668 and received a message stating, “You have reached for the PREA Hotline for Missoula County.” With instruction to leave a message. A message was provided and a return call was received the following day by the facility PREA Coordinator who explained the call rings into the Missoula County Victim Witness Advocate Office.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 20, section, 115.351- Inmate Reporting, Policy (a), states, “To ensure that youth and staff can report sexual abuse, regardless of who the perpetrator is and regardless of what other dangers they may face for doing so, by providing them with multiple avenues to report, including an avenue outside the facility, so that even if the abuser is someone directly supervising that youth or higher up in the authority chain, or a staff person or youth who might retaliate against that inmate, the victim still has a safe way to report. Thus, sexual abuse is always reported, which in turn is a deterrent of future abuse.

(a) MCDF will provide multiple internal ways for youth to privately report sexual abuse and sexual harassment, retaliation by other youth or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.”

The facility provided a Missoula County Detention Facility Inmate Information and Rule Book. Page 15, bottom half of the pages, states, “The policy also encompasses an inmate, staff member, or volunteer’s right to be free from retaliation if they report an incident or participate in an investigation.

Inmates who are victims of, or have knowledge of, a PREA violation should immediately report the incident. Reports can be made verbally, in writing, anonymously, and via a third party. Below are the methods available to report:

1. Call an outside entity PREA Hotline to report by dialing 406-258-3668
2. Report to any staff member, volunteer, or contractor including medical and mental health care staff
3. Submit a grievance or an inmate request
4. Report to the facility's PREA Compliance Coordinator or any administration staff
5. Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf through a third-party grievance to prea@missoulacounty.us. The third-party reporting form can be found on the website at <https://www.missoulacounty.us/government/public-safety/detention-facility/prison-rape-elimination-act>
6. Inmates may also submit reports on another inmate's behalf, or someone at the facility may report for an inmate using the methods listed above

Missoula County Detention Facility has partnered with the YWCA to provide survivors of sexual abuse with emotional support services. To access these services, contact 1-800-483-7858 or sent a letter to: YWCA 1800 S 3rd St W, Missoula, MT 59801."

The facility provided a Zero Tolerance Posting. The posting includes the following reporting information.

HOW TO REPORT

The Missoula County Detention Facility offers multiple ways to report sexual abuse and sexual harassment. Reports can be made verbally, in writing, anonymously, and via a third party. Below are the methods available to report.

- Call an outside entity PREA Hotline to report by dialing 406-258-3668.
- Report to any staff member, volunteer or contractor, including medical and mental health care staff.
- Submit a grievance or an inmate request.
- Report to the facility's PREA Compliance Coordinator.

- Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf through a third-party grievance to prea@missoulacounty.us. The third-party reporting form can be found on the website at <https://www.missoulacounty.us/government/public-safety/detention-facility/prison-rape-elimination-act>

- You also can submit a report on someone's behalf, or someone at the facility can report for you using the methods listed above.

VICTIM SUPPORT SERVICES

Missoula County Detention Facility has partnered with the YWCA to provide survivors of sexual abuse with emotional support services. To access these services, contact 1-800-483-7858 or send a letter to: YWCA 1800 S 3rd St W, Missoula, MT 59801.”

The facility provided a Missoula County Detention Facility – Missoula County Detention Facility – Sexual Assault and Staff Misconduct Brochure. The brochure provided the following information.

- Sexual assault and staff sexual misconduct are against the law.
- MCDF is committed to your safety and the safety of staff.
- MCDF has ZERO TOLERANCE for sexual assault.
- What is sexual assault
- Examples of sexual assault
- How to prevent sexual assault
- What to do if you've been sexually assault
- PREA Hotline at 1.406.258.3668
- YWCA provides survivors of sexual abuse with emotional support services – to include YWCA address and phone number.
- How to report sexual assault and your options

(b) The Missoula County Juvenile Detention Facility PAQ states facility 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. The agency does not have a policy requiring residents detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 20, section, 115.351- Inmate Reporting, Policy (b), states, “MCDF will also provide at least one way for youth to report abuse or harassment to a public or private entity or office that is not part of MCDF and that is able to receive and immediately forward youth reports of sexual abuse and sexual harassment to facility officials, allowing the youth to remain anonymous upon request. Youth detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.”

The facility provided a Missoula County Detention Facility PREA Third Party Reporting Form. The form allows the third party to submit the following information.

- Inmate’s Name
- Date of Alleged Incident:
- Time of Alleged Incident:
- Who was involved:
- What Happened:
- Where did it occur:
- How did it occur:
- Any other Pertinent Information:
- Please provide your contact information in case we need to follow-up with you.
 - o Your Name:
 - o Telephone #:
 - o Email:
- Upon completion of this form, please return to the receptionist. You may also email this form to prea@missoulacounty.us or fax to 406-258-4080, Attn: PREA Coordinator.
- Missoula County Detention Facility has a Zero Tolerance Policy for all forms of sexual abuse or sexual harassment.

(c) The Missoula County Juvenile Detention 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. 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. The PAQ states staff are required to document by the end of their shift.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 21, section, 115.351- Inmate Reporting, Policy (c), states, “Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.”

The facility provided documentation of receipt of an inmates’ verbal allegation to a staff member. The document demonstrates proper first responder protocols were followed.

(d) The Missoula County Juvenile Detention Facility PAQ states the facility provides residents with access to tools to make written reports of sexual abuse or sexual harassment, 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 20, section, 115.351- Inmate Reporting, Policy (d), states, “MCDF will provide youth with access to tools necessary to make a written report.”

The facility provided a MCDF Staff PREA Training PowerPoint. Slide 42 of the PowerPoint provides the following information.

PREA standards exist to support and protect staff who report colleagues’ misconduct.

- Your report can be private. You have the right to report abuse or harassment privately without the knowledge of your direct colleagues or immediate supervisor.
- You can choose how to report. Staff who witness a PREA violation can report to the Sheriff’s Office, the PREA hotline (406-258-3668), to Human Resource, inform the PREA Coordinator, and/or report to any supervisor.
- You will receive protection from retaliation.”

(e) The Missoula County Juvenile Detention Facility PAQ states the agency has established procedures for staff to privately report sexual abuse and sexual harassment of residents. Staff are informed of these procedures in the following ways. The PAQ states, "Reports can be made to Sheriff's Office, the PREA Hotline, the PREA email, any supervisor, to HR, and/or to the PREA Coordinator."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 20, section, 115.351- Inmate Reporting, Policy (e), states, "MCDF will provide a method for staff to privately report sexual abuse and sexual harassment of youth."

Through such reviews, the facility meets the standard requirements.

| 115.352 | Exhaustion of administrative remedies |
|---------|---|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Youth Notification of Investigation Extension, not dated 4. Missoula County Detention Facility Inmate Information and Rule Book, dated 2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Youth 2. Targeted Youth <p>Youth interviewed were aware of the grievance procedures and understood they could complete a grievance. Youth stated they could gain access to a grievance by asking a guard and if they didn't already have a pencil, staff would provide them with one upon request.</p> |

(a) The Missoula County Juvenile Detention Facility PAQ states the agency has an administrative procedure for dealing with resident grievances regarding sexual abuse.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 23, section 115.352- Exhaustion of administrative remedies, Procedure, states, “MCDF has an established 3rd party reporting form specifically for sexual abuse, available on the website, <https://www.missoulacounty.us/government/public-safety/detention-facility> which will then be emailed to the a confidential email, prea@missoulacounty.us. MCDF will check with the victim to verify if they want to pursue the complaint. Anytime a youth declines, it will be documented by staff. MCDF will follow a 48-hour response on all emergency sexual abuse grievances with a 5 day follow up. If a youth files a grievance related to sexual abuse in bad faith, the youth may be issued disciplinary action. “

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 21, section 115.352- Exhaustion of administrative remedies, Policy (a) 1-4, states, “To ensure that the substance of sexual abuse allegations is heard and evaluated by both confinement facilities and federal courts, when appropriate, without being barred by procedural requirements.

(a)(1) MCDF will not impose a time limit on when a youth may submit a grievance regarding an allegation of sexual abuse.

(2) MCDF may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.

(3) The MCDF will not require a youth 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 MCDF’s ability to defend against a lawsuit filed by a youth on the ground that the applicable statute of limitations has expired.”

(b) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.

(c) The Missoula County Juvenile Detention 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 requires that a resident grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 22, section 115.352- Exhaustion of administrative remedies, Policy (b) 1-2, states, “MCDF will ensure that—

(1) A youth 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.”

(d) The Missoula County Juvenile Detention Facility PAQ states the agency’s policy and procedures that require 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 there have been zero grievances filed alleging sexual abuse.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 22, section 115.352- Exhaustion of administrative remedies, Policy (c) 1-4, state,

(c)(1) “MCDF will 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 youth in preparing any administrative appeal.

(3) MCDF 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. MCDF will notify the youth 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 youth does not receive a response within the time allotted for reply, including any properly noticed extension, the youth may consider the absence of a response to be a denial at that level.”

The facility provided a Missoula County Detention Facility Juvenile Grievance Extension Form. This form states, “115.355 Exhaustion of administrative remedies: MCJDF will 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. MCJDF 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.

Date of grievance:

90-day response date:

70-day extension date:

Reason for the extension:

(e) The Missoula County Juvenile Detention Facility PAQ states agency policy and procedure permit 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 the resident declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the resident's decision to decline.

Agency policy allows parents or legal guardians of residents to file a grievance alleging sexual abuse, including appeals, on behalf of such resident, regardless of whether or not the resident agrees to having the grievance filed on their behalf. 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.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 22, section 115.352- Exhaustion of administrative remedies, Policy (d) 1-4, state,

(d)(1) Third parties, including fellow youth, staff members, family members, attorneys, and outside advocates, shall be permitted to assist youth in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of youth.

(2) If a third party, other than a parent or legal guardian, files such a request on behalf of a youth, 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 youth declines to have the request processed on his or her behalf, MCDF shall document the youth's decision.

(4) A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf."

(f) The Missoula County Juvenile Detention Facility PAQ states the facility 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. The facilities policy and procedures for emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within 5 days. Zero grievances were received alleging substantial risk of imminent sexual abuse, that were filed in the past 12 months, reached final decisions within 40 days.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 23, section 115.352- Exhaustion of administrative remedies, Policy (e) 1-2, state,

(e)(1) "MCDF will establish procedures for the filing of an emergency grievance alleging that a youth is subject to a substantial risk of imminent sexual abuse.

(2) After receiving an emergency grievance alleging a youth is subject to a substantial risk of imminent sexual abuse, MCDF 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 youth is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance."

The facility provided a Missoula County Detention Facility Inmate Information and Rule Book. Page 16-17, section 513., states, "513. Grievance Procedures - Inmates may utilize the formal grievance process when they believe there are legitimate issues they wish to address about conditions of confinement, treatment, PREA, or other aspects of their stay with MCDF. Inmates will not express their grievances in

| | |
|--|---|
| | <p>disruptive, threatening, or insubordinate manners. Inmates will not agitate or organize other inmates into any sort of disruptive action or organized resistance against facility policy, orders, procedures, or personnel. Inmates who have grievances will submit them in writing after attempting an informal resolution.”</p> <p>(g) The Missoula County Juvenile Detention Facility PAQ states the facility 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, there have been zero grievances alleging sexual abuse to occasions where the agency demonstrated that the Resident filed the grievance in bad faith.</p> <p>Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 22, section 115.352- Exhaustion of administrative remedies, Policy (f), states, “MCDF may discipline a youth for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the youth filed the grievance in bad faith.”</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.353 | Resident access to outside confidential support services and legal representation |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Adult Facility, dated 4.2023 3. Missoula County Detention Facility Inmate Information and Rule Book, dated 2022 4. Zero Tolerance Posting, not dated 5. Missoula County Detention Facility – Missoula County Detention Facility – Sexual Assault and Staff Misconduct Brochure, not dated 6. Memorandum of Understanding YWCA of Missoula, dated 4.5.2023 |

Interviews:

1. Random Youth
2. Targeted Youth
3. PREA Coordinator
4. Assistant Jail Commander

Staff and youth interviewed were aware of outside reporting agencies and spoke to the information being posted throughout the facility. Youth stated they were aware of the YWCA and the advocate services provided to them if they requested emotional support services.

Site Observation:

During the tour the Auditor phoned the YWCA from youth phones in their living area. After proper introductions and the reason for the call the Auditor was told the operator could not answer questions and to call the PREA hotline for answers. After repeating the need to know how youth calls would be answered the operator again stated she would instruct youth to call the PREA hotline. Upon receipt of this information the PREA Coordinator and Assistant Jail Administrator were notified. Soon thereafter the Assistant Jail Administrator reached the Director of the YWCA who apologized and assured the facility the staff answering the phone was incorrect, and would be retrained. The YWCA Director stated proper protocols would include the advocate answering the call addressing the caller's needs, the call would not be transferred as all calls are answered by advocates, at the request of the victim would meet them at the hospital, provide ongoing emotional support, and would attend hearings.

(a) The Missoula County Juvenile Detention 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 (by providing, posting, or otherwise making accessible) 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 (by providing, posting, or otherwise making accessible) with access to such services by giving residents mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes.

· 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 23-24, section 115.354- Inmate access to outside confidential support services, Procedure, states, “MCDF has established an MOU with the YWCA which is a rape crisis center for victim advocacy. Victim advocates are available 24/7. Staff will advise all youth if their phone call is being recorded or if their mail is being opened and offer them reasonable access for confidentiality. Contact information for the YWCA is published in the Inmate Information and Rule Book and on posters in the unit.

YWCA
1800 S 3rd Street W
Missoula, MT 59801
1-800-483-7858”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 23, section 115.353- Inmate access to outside confidential support services, Policy (a), states, “To provide youth access to outside victim advocates for emotional support services related to sexual abuse.

(a) MCDF will provide access to support via postings, or otherwise making accessible mailing addresses and telephone numbers, including toll free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. MCDF will enable reasonable communication between youth and these organizations and facilities, in as confidential a manner as possible.”

On 5.30.2023 at 12:10 pm, the Auditor contacted the YWCA at 1800 S. 3rd Street, Missoula, MT at phone number 1.800.483.7858. After proper introductions and the reason for the call, the Pathways Advocate stated, “We are aware of the agreement to help the Missoula County Detention Center. We have our own set of Sexual Abuse Advocates who would provide services to meet a sexual abuse victim at the hospital when requested and would provide ongoing emotional support services via the telephone only. services but we do not report.”

The facility provided a Missoula County Detention Facility – Missoula County Detention Facility – Sexual Assault and Staff Misconduct Brochure. The brochure

provided the following information.

- Sexual assault and staff sexual misconduct are against the law.
- MCDF is committed to your safety and the safety of staff.
- MCDF has ZERO TOLERANCE for sexual assault.
- What is sexual assault
- Examples of sexual assault
- How to prevent sexual assault
- What to do if you've been sexually assault
- PREA Hotline at 1.406.258.3668
- YWCA provides survivors of sexual abuse with emotional support services - to include YWCA address and phone number.
- How to report sexual assault and your options

The facility provided a Zero Tolerance for Sexual Abuse and Sexual Harassment Posting. This posting includes the following:

Victim Support Services

Missoula County Detention Facility has partnered with the YWCA to provide survivors of sexual abuse with emotional support services. To access these services, contact 1-800-483-7858 or send a letter to: YWCA 1800 S 3rd St W, Missoula, MT 59801.

The facility provided a Missoula County Detention Facility Inmate Information and Rule Book. Page 15, section 510. Prison Rape Elimination Act (PREA), states, "Missoula County Detention Facility has partnered with the YWCA to provide survivors of sexual abuse with emotional support services. To access these services, contact 1-800-483-7858 or send a letter to: YWCA 1800 S 3rd St W, Missoula, MT 59801."

(b) The Missoula County Juvenile Detention Facility PAQ states the facility informs residents, prior to giving them access to outside support services, the extent to which such communications will be monitored. The facility informs residents, prior to giving them access to outside support services, of the mandatory reporting rules

governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 23, section 115.53- Inmate access to outside confidential support services, Policy (c), states, “MCDF will inform youth, 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 Missoula County Juvenile Detention Facility PAQ states the facility maintains memoranda of understanding with community service providers that are able to provide residents with emotional support services related to sexual abuse.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 23, section 115.353- Inmate access to outside confidential support services, Policy (b), states, “MCDF will maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide youth with confidential emotional support services related to sexual abuse. MCDF will maintain copies of agreements or documentation showing attempts to enter into such agreements.”

The facility provided a Memorandum of Understanding between Missoula County Detention Center and the YWCA. Page 1, second paragraph, states, “WHEREAS, Agency desires that Community Provider provide victim assistance and counseling services that are essential for Agency to comply with the Prison Rape Elimination Act (PREA).” The Memorandum of Understanding is signed and dated on 4.5.2023 by a MCDF Representative and a YWCA Representative.

On 5.30.2023 at 12:10 pm, the Auditor contacted the YWCA at 1800 S. 3rd Street, Missoula, MT at phone number 1.800.483.7858. After proper introductions and the reason for the call, the Pathways Advocate stated, “We are aware of the agreement to help the Missoula County Detention Center. We have our own set of Sexual Abuse Advocates who would provide services to meet a sexual abuse victim at the hospital when requested and would provide ongoing emotional support services via the telephone only. services but we do not report.”

| | |
|--|---|
| | <p>(d) The facility provides residents with reasonable and confidential access to their attorneys or other legal representation. The facility provides residents with reasonable access to parents or legal guardians.</p> <p>Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 24, section 115.353- Inmate access to outside confidential support services, Policy (d), states, “MCDF will also provide youth with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.”</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.354 | Third-party reporting |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility Prison Rape Elimination Act Hotline Reporting Form, dated 3.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Youth 2. Targeted Youth 3. Detention Officers 4. PREA Coordinator <p>Interviews with youth demonstrated their knowledge of third party reporting stating that they could tell family members or friends who could report sexual harassment or sexual abuse allegations for them.</p> |

Interviews with Detention Officers demonstrated they would report any third party allegation to their Unit Manager and the PREA Coordinator as soon as possible.

Site Observation:

During tour of the contact and non-contact visitation areas, third party reporting information was observed on the Zero Tolerance postings in those areas.

(a) The Missoula County Juvenile Detention Facility PAQ states the facility provides a method to receive third-party reports of resident sexual abuse or sexual harassment. The agency publicly distributes information on how to report resident sexual abuse or sexual harassment on behalf of residents. The PAQ states, "Third party reporting form on Missoula County website: <https://www.missoulacounty.us/government/public-safety/detention-facility/prison-rape-elimination-act> PREA Hotline also available for third party reports (406) 258-3668."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 24, section 115.354- Third-party reporting, Procedure, states, "Any reports of sexual abuse or harassment from a third parties should be immediately referred to the PREA Compliance Coordinator. MCDF has an established 3rd party reporting form specifically for sexual abuse, available on the website, <https://www.missoulacounty.us/government/public-safety/detention-facility> which will then be emailed to a confidential email, prea@missoulacounty.us. Third-party reports of sexual abuse and sexual harassment can also be reported via the PREA Hotline at 1-406-258-3668. MCDF will display a poster in the lobby and visiting areas (and other areas deemed appropriate) outlining how third parties can report an incident of sexual abuse or sexual harassment."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 24, section 115.354- Third-party reporting, Policy, states, "Any reports of sexual abuse or harassment from a third part should be immediately referred to the PREA Compliance Coordinator. MCDF has an established 3rd party reporting form specifically for sexual abuse, available on the website, <https://www.missoulacounty.us/government/public-safety/detention-facility> which will then be emailed to a confidential email, prea@missoulacounty.us. Third-party reports of sexual abuse and sexual harassment can also be reported via the PREA Hotline at 1-406-258-3668. MCDF will display a poster in the lobby and visiting areas (and other areas deemed appropriate) outlining third parties how to report an incident of sexual abuse or sexual harassment. "

The facility provided a Missoula County Detention Facility PREA Third Party Reporting Form. The form allows the third party to submit the following information.

- Inmate's Name
- Date of Alleged Incident:
- Time of Alleged Incident:
- Who was involved:
- What Happened:
- Where did it occur:
- How did it occur:
- Any other Pertinent Information:
- Please provide your contact information in case we need to follow-up with you.

o Your Name:

o Telephone #:

o Email:

· Upon completion of this form, please return to the receptionist. You may also email this form to prea@missoulacounty.us or fax to 406-258-4080, Attn: PREA Coordinator.

· Missoula County Detention Facility has a Zero Tolerance Policy for all forms of sexual abuse or sexual harassment.

On 5.30.2032 at 12:00 pm the Auditor sent the following email to PREA@missoulacounty.us:

My name is Karen Murray and I am preparing to audit the Missoula County Detention Facility. I am testing this email address in hopes of getting a response on how this email address would respond to an anonymous allegation of sexual harassment or sexual abuse. When you have a moment, could you please tell me how you would respond?

On 5.30.2023 at 11:11 am, the following email was received from facility PREA Coordinator.

| | |
|--|--|
| | <p>As the Missoula County Detention Facility’s PREA Coordinator, I am one party that receives these emails. Receipt of these emails triggers a response, and my role as point person for this email account would be to read the email/report and take immediate action, including:</p> <p>Immediately separating the involved inmates, and/or involved staff and inmate(s) to prevent further victimization; Preserve any evidence for collection by locking down the potential crime scene area; Preserve any evidence for collection from the involved inmates and/or staff member (Requesting no showering, no brushing teeth, no changing clothes, no hiding further evidence, etc.); Offering immediate victim advocacy services and access to appropriate mental health staff;</p> <p>Initiating the formal investigation, including requesting formal reports from first responders.</p> <p>My role would also be to alert the members of the PREA response team, and maintaining confidentiality by containing the allegation and investigation to those response team members.”</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|--|
| 115.361 | Staff and agency reporting duties |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Random Youth 2. Targeted Youth 3. Detention Officers |

4. Corporal
5. Juvenile Unit Manager
6. PREA Coordinator

Interviews with youth demonstrated they feel comfortable reporting to all staff, except one cognitive youth who has trust issues of all persons. Youth interviewed made the following comments regarding facility staff.

- I feel comfortable reporting to guards, they've treated me well.
- Trust all the guards
- Trust all the staff.
- Trust every single guard here.

Interviews with Detention Officers and administrative personnel demonstrated each would report any report of an allegation, regardless of the source, to include, rumors, perceptions, verbal or third party reports or allegations received through the grievance process or a kite.

Site Observations:

The facility has had 11 administrative investigations in the past 12 months. The source of allegations includes being from an officer observing inappropriate behavior while watching cameras, staff observation during rounds, verbal allegations from youth to Detention Officers, third party report by way of youth making a false call to the PREA hotline, third party through a youths' observation, and a third party report from a community counselor.

(a) The Missoula County Juvenile Detention 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 any 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility,

page 25-26, section 115.361- Staff and agency reporting duties; Reporting of allegations, Procedure, states, "All allegations of sexual abuse and sexual harassment, including third-party and anonymous reports will be reported to the PREA Compliance Coordinator. The legal guardian of the victim will be contacted within 14 days of the report, unless the facility has official documentation showing the parents or legal guardians should not be notified. If the victim is under guardianship of the child welfare system, the report shall be made to the caseworker. If a juvenile court retains jurisdiction over the alleged victim, the juvenile's attorney will be notified.

Montana Code Annotated 41-3-201. Reports. When professionals or officials know or have reasonable cause to suspect, as a result of information they received in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department of public health and human services.

Montana Child Abuse Hotline 1-866-820-5437 (toll free, 24 hours)"

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 24, section 115.361- Staff and agency reporting duties; Reporting of allegations, Policy (a), states, "To establish a strong, effective reporting culture among staff and ensure that the facility receive timely information about sexual abuse, sexual harassment, retaliation, and staff neglect or violations of responsibilities that may have contributed to an incident or retaliation. The standard requires MCDF to ensure facility staff report all allegations, while also taking steps to protect the confidentiality of sexual abuse information by sharing internally with only those who need to know.

(a) MCDF will require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the facility; retaliation against youth or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation."

(b) The Missoula County Juvenile Detention Facility PAQ states the agency requires all staff to comply with any applicable mandatory child abuse reporting laws.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 24, section 115.361- Staff and agency reporting duties; Reporting of

allegations, Policy (b), states, "MCDF will also require all staff to comply with any applicable mandatory child abuse reporting laws."

(c) The Missoula County Juvenile Detention Facility PAQ states apart from reporting to the designated supervisors or officials and designated State or local service 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 24-25, section 115.361- Staff and agency reporting duties; Reporting of allegations, Policy (c), states, "Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in MCDF policy, to make treatment, investigation, and other security and management decisions."

(d) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 25, section 115.361- Staff and agency reporting duties; Reporting of allegations, Policy (d) 1-2, state,

(d)(1) "Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section, as well as to the designated State or local services agency where required by mandatory reporting laws.

(2) Such practitioners shall be required to inform youth at the initiation of services of their duty to report and the limitations of confidentiality."

(e) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 24, section 115.361- Staff and agency reporting duties; Reporting of allegations, Policy (e) 1-3, states,

(e)(1) "Upon receiving any allegation of sexual abuse, the facility head or his or her designee shall promptly report the allegation to the appropriate agency office and to the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.

(2) If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.

(3) If a juvenile court retains jurisdiction over the alleged victim, the facility head or

| | |
|--|---|
| | <p>designee shall also report the allegation to the juvenile’s attorney or other legal representative of record within 14 days of receiving the allegation.”</p> <p>(f) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 25, section 115.361- Staff and agency reporting duties; Reporting of allegations, Policy (f), states, “MCDF shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigators.”</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| 115.362 | Agency protection duties |
|----------------|---|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Detention Officers 2. Juvenile Unit Manager 3. PREA Coordinator 4. Assistant Jail Commander 5. Under Sheriff <p>Interviews with the facility and agency personnel demonstrated facility staff act promptly and respond promptly and thoroughly at the discovery of any incident involving sexual harassment and or sexual abuse.</p> <p>(a) The Missoula County Juvenile Detention Facility PAQ states when the agency or facility learns that a resident is subject to a substantial risk of imminent sexual</p> |

abuse, it takes immediate action to protect the resident (i.e., it takes some action to assess and implement appropriate protective measures without unreasonable delay). In the past 12 months, the number of times the agency or facility has determined that a resident was subject to a substantial risk of imminent sexual abuse was six. If the agency or facility made such determinations in the past 12 months, the average amount of time (in hours) that passed before taking action was immediate. The longest time passed (in hours or days) before taking action (please note if response is in hours or days) was immediate.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 26, section 115.362- Facility protection duties, Procedure, states, "All youth will complete a Risk Assessment at intake to determine housing classification. MCDF will not house known or potential victims with known or potential aggressors. Staff will follow PREA Incident Response Flowchart and Checklist."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 26, section 115.362- Facility protection duties, Policy states, "When MCDF learns that a youth is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the youth."

Through such reviews the facility meets the standard requirements.

| 115.363 | Reporting to other confinement facilities |
|---------|--|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Assistant Jail Commander 2. Under Sheriff |

The interview with the Assistant Jail Commander and the Under Sheriff demonstrated that both were aware that upon receiving an allegation that a youth was sexually abused while confined at another facility, they had the responsibility to notify the head of the facility where the allegation occurred. Both staff stated they would begin an internal investigation and keep in contact with the facility in question until the investigation was completed.

Site Observation:

The facility had no reported allegations of sexual abuse while youth were confined at another facility.

(a) The Missoula County Juvenile Detention 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. The agency's policy also requires that the head of the facility notify the appropriate investigative agency. In the past 12 months, the facility has received zero allegations that a resident was abused while in confinement at another facility. The PAQ states, "If there is a report, MCDF would immediately report notify the supervisor who will relay the information to the Commander. The Commander will then contract the head of the facility of the agency where the alleged abuse occurred and shall notify the appropriate agency head no later than 72 hours after receiving the allegation."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 2, section 115.363- Reporting to other confinement facilities, Procedure, states, "If any youth at intake reports being sexually abused in another facility, staff will immediately notify the supervisor who will relay the information to the Commander. The Commander will then contact the head of the facility of the agency where the alleged abuse occurred and shall notify the appropriate investigative agency. Notification will be made no later than 72 hours after receiving the allegation and will be documented."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 26, section 115.363- Reporting to other confinement facilities, Policy (a), states, "To ensure that allegations of custodial sexual abuse that are reported to any facility are timely investigated by the facility where the abuse allegedly occurred. The intent of the standard is to urge facility heads to send the notification to an individual or office that will ensure the facility takes immediate steps to investigate the allegation appropriately and promptly. It is important that the person receiving

the report of sexual abuse at the facility understands the seriousness and gravity of the allegation, and that the communication originated at the highest level of the reporting facility.

(a) Upon receiving an allegation that a youth was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.”

(b) The Missoula County Juvenile Detention Facility PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours after receiving the allegation.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 26, section 115.363- Reporting to other confinement facilities, Policy (b), states, “Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.”

(c) The Missoula County Juvenile Detention Facility PAQ states the facility documents that it has provided such notification within 72 hours of receiving the allegation.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 26, section 115.363- Reporting to other confinement facilities, Policy (c), states, “MCDF will document that it has provided such notification.”

(d) The Missoula County Juvenile Detention Facility PAQ states facility policy requires that allegations received from other agencies or facilities investigated in accordance with the PREA standards. In the last 12 months, there have been zero allegations of sexual abuse the facility received from other facilities.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 26, section 115.363- Reporting to other confinement facilities, Policy (d), states, “The facility head that receives such notification shall ensure that the allegation is investigated in accordance with these standards.”

| | |
|--|---|
| | Through such reviews, the facility meets the standard requirements. |
|--|---|

| 115.364 | Staff first responder duties |
|----------------|---|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility PREA First Responder Flow Chart, not dated <p>Interviews:</p> <ol style="list-style-type: none"> 1. Detention Officers 2. Corporal 3. Juvenile Unit Manager 4. PREA Coordinator <p>Interviews with facility personnel demonstrated they were aware of their first responder responsibilities. Staff stated reporting information is posted throughout the facility and each had been trained on reporting options during PREA training. Staff stated they would separate the alleged victim and abuser to the attorney visiting office and the recreation area where water could not be used to wash away or tamper with possible evidence. Each staff interviewed stated they would make proper notifications to the Juvenile Unit Manager, Child Protective Services, the Missoula Sheriff's Department and complete a report documenting details of the incident.</p> <p>Site Observation:</p> <p>The facility has had 11 administrative investigations alleging sexual harassment and sexual abuse in the past 12 months. Of those investigations six were verbally reported to staff and staff separated the alleged victim from the alleged abuser(s) and followed the proper protocols as described in the agency first responder flow chart.</p> |

(a) The Missoula County Juvenile Detention 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, preserve, protect, collect 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. 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. In the past 12 months, zero allegations occurred where a resident was sexually abused.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 27, section 115.364- Staff first responder duties, Policy, states, “To ensure that the first security staff member to respond to an allegation or report of sexual abuse will address the victims’ immediate safety and maintain security and control over the crime scene so that any physical evidence is preserved until an investigator arrives. Investigators will then have access to evidence that has not been accidentally or negligently compromised or destroyed, which will safeguard the quality of the investigation.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 27, section 115.364- Staff first responder duties, Procedure 1-4, states, ““The first staff member to respond to an incident shall be required to:

1. Separate the alleged victim and abuser.
 2. Preserve and protect the scene until appropriate steps can be taken to collect any evidence. (Follow PREA Incident Response Flowchart and Checklist)
 3. 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.
 4. If the abuse occurred within a time period that still allows for 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.
- (a) If the first staff responder is not a security 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 security staff.

The facility provided a Missoula County Detention Facility PREA First Responder Flow Chart. The flow chart demonstrates clear direction for the first responder to:

| | |
|--|---|
| | <ul style="list-style-type: none"> · Separate the alleged victim and abuser o Assess the victims' acute medical needs o Inform the victim of his or her rights o Explain the need for a forensic exam o Offer outside victim advocate o MCDF Mental Health provide crisis intervention counseling o Provide for any special needs the victim may have · Preserve and protect the scene · Collect physical evidence · Request the alleged abuser and victim don't take any actions that could destroy physical evidence <p>(b) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.365 | Coordinated response |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility Coordinated Response, dated 5.18.2023 |

Interviews:

1. Detention Officers
2. Juvenile Unit Manager
3. PREA Coordinator
4. Assistant Jail Commander
5. Under Sheriff

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.

Site Observation:

Review of the Facility PREA Policy Coordinated Response demonstrates clear direction to staff to ensure first responder duties are fulfilled. Coordinated Response Flow Charts are made available in every Control Booth in the facility.

(a) The Missoula County Juvenile Detention Facility PAQ states the facility developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 27, section 115.365 Coordinated Response, Policy, states, “MCDF will develop 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. “

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 27-28, section 115.365 Coordinated Response, Procedure 1-8, states, “MCDF first responders will follow the PREA Incident Response Flowchart and Checklist and requirements of PREA Standard 115.364.

At a minimum, the following is to be determined in the plan:

| | |
|--|--|
| | <ol style="list-style-type: none"> 1. Assessment of the victim's acute medical needs. 2. Informing the victim of his or her rights under relevant Federal or State law. 3. Explanation of the need for a forensic medical exam and offering the victim the option of undergoing one. 4. Offering the presence of a victim advocate or a qualified staff member to be present during the exam. 5. Providing crisis intervention counseling. 6. Interviewing the victim and any witnesses. 7. Collecting evidence. 8. Providing for any special needs the victim may have.” <p>The facility provided a Missoula County Detention Facility PREA Coordinated Response outlining the responsibilities for all first responders, Unit Managers, Shift Supervisors, trained Deputy’s, Medical and Mental Health staff.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|---|
| 115.366 | Preservation of ability to protect residents from contact with abusers |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 3. Agreement between the County of Missoula and AFSCME Detention Support Unit, dated 7.1.2021 - 6.30.2024 4. Agreement between the County of Missoula and Association of Federal, State, County and Municipal Employees (AFSCME) Detention Officers, Association of Missoula County, dated 7.1.2021 - 6.30.2023 |

Interview:

1. Under Sheriff

The interview with the Under Sheriff demonstrated the agency participates in collective bargaining for the County.

(a) The Missoula County Juvenile Detention Facility PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency's behalf has entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later. The PAQ states, "We have 3 different unions/contracts for staff regarding disciplinary measures, and PREA is not specific to any of them-- We do agree to add specific PREA language when the contract is up for renewal. There is currently nothing in the bargaining agreement that prevents MCJDF staff from separating an inmate and staff member involved in PREA investigations. The PREA disclosure all staff have signed states they will face termination under the discipline process for PREA violations or failure to disclose. Article 8 is Discipline and Discharge, for reference.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 28, section 115.366 Preservation of ability to protect inmates from contact with abusers, Policy, states, "To help prevent staff sexual abuse and foster a culture of reporting, recognizing that: Youth are more likely to report sexual abuse when MCDF is able to protect them from further abuse and when staff are held accountable for engaging in sexual abuse; and holding staff accountable for committing sexual abuse discourages future abuse. To ensure that employee collective bargaining agreements do not present a barrier to MCDF's ability to protect youth from contact with alleged sexual abusers during investigations or hinder an agency's ability to discipline staff who have been found to have engaged in sexual abuse of youth."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 28, section 115.366 Preservation of ability to protect inmates from contact with abusers, Procedure, states, "MCDF will ensure that the Detention Officer contract with Missoula County collective bargaining unit will not limit the agency's ability to remove alleged staff sexual abusers from contact with youth pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted."

The facility provided the following agreement:

| | |
|--|--|
| | <ul style="list-style-type: none"> · Agreement between the County of Missoula and AFSCME Detention Support Unit · Agreement between the County of Missoula and Association of Federal, State, County and Municipal Employees (AFSCME) Detention Officers, Association of Missoula County, <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|---|
| 115.367 | Agency protection against retaliation |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility PREA Monitoring Form, dated 3.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Coordinator <p>Interviews PREA Coordinator demonstrated that she would complete retaliation monitoring by meeting with the alleged victim upon receipt of the allegation. The PREA Coordinator would continually monitor disciplinary reports, housing changes, behaviors and provide youth a safe place to report, through her. The PREA Coordinator stated she would document monitoring checks on the Retaliation Monitoring Form and upload this documentation in the New World Jail Management System.</p> <p>Site Observation:</p> <p>The facility has not had an allegation of sexual abuse in the past 12 months.</p> <p>(a) The Missoula County Juvenile Detention 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</p> |

from retaliation by other residents or staff. The agency designates the PREA Coordinator with monitoring for possible retaliation.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 29, section 115.367 Facility protection against retaliation, Procedure, states, “MCDF will protect all youth and staff who report sexual abuse or sexual harassment from retaliation by other youth and staff. The PREA Compliance Coordinator will monitor retaliation for at least 90 days following a report of sexual abuse using the retaliation form. MCDF will offer all staff members who fear retaliation emotional support services through the Employee Assistance Program. “

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 28, section 115.367 Facility protection against retaliation, Policy (a), states, “Youth, staff, contractors, volunteers, or third-party reporters who choose to file a report of sexual abuse or sexual harassment, or cooperate with an investigation, shall not be subject to any form of retaliation related to the reporting of or participation in an investigation of such.

(a) MCDF will protect all youth and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other youth or staff and shall designate which staff members or departments are charged with monitoring retaliation.”

The facility provided a Missoula County Detention Facility PREA Monitoring form. The form documents the following information.

- Basic Information
 - o PREA Incident #: / Facility: Adult or Juvenile
 - o Type of Allegation / Allegation Date
 - o Monitoring Begin Date / Monitoring Expiration Date
 - o Alleged Victim Being Monitored and Global #:
 - o Staff / Inmate Witness Being Monitored and Global # / Employee ID#
- In Person Status Check / Date / Person Monitoring
 - o Face to Face Contact
 - o Reviewed Program Changes
 - o Reviewed Disciplinary Reports

- o Reviewed Employee Evaluation
- o Reviewed Shift Change
- o Reviewed Housing Changes
- o File Grievance
- o Reviewed Employee Evaluations

(b) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 28, section 115.367 Facility protection against retaliation, Policy (b), states, “MCDF will employ multiple protection measures, such as housing changes or transfers for youth victims or abusers, removal of alleged staff or youth abusers from contact with victims, and emotional support services for youth or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.”

(c) The Missoula County Juvenile Detention Facility PAQ states the agency/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 see if there are any changes that may suggest possible retaliation by residents or staff. The PAQ states, “MCDF shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.” In the past 12 months, the facility has had zero incidents of retaliation.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 2, section 115.367 Facility protection against retaliation, Policy (c), states, “For at least 90 days following an allegation of sexual abuse, MCDF will monitor 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 shall act promptly to remedy any such retaliation. Items MCDF should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. MCDF shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.”

(d) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 29, section 115.367 Facility protection against retaliation, Policy (d), states, “In the case of youth, such monitoring shall also include periodic status checks.”

| | |
|--|---|
| | <p>(e) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 29, section 115.367 Facility protection against retaliation, Policy (e), states, “If any other individual who cooperates with an investigation expresses a fear of retaliation, the MCDF shall take appropriate measures to protect that individual against retaliation.”</p> <p>(f) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 29, section 115.367 Facility protection against retaliation, Policy (f), states, “MCDF’s obligation to monitor shall terminate if the agency determines that the allegation is unfounded.”</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| 115.368 | Post-allegation protective custody |
|----------------|---|
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Juvenile Unit Manager <p>Interviews with the Juvenile Unit Manager demonstrated he has not placed a youth in protective custody for reasons to include PREA in the past 12 months. The Juvenile Unit Manager stated if this need arose the facility can accommodate a single occupancy room for youth needing to be separated from the population.</p> <p>(a) The Missoula County Juvenile Detention Facility PAQ states the facility has a policy that residents who allege to have suffered sexual abuse may only be placed in isolation as a last resort if less restrictive measures are inadequate to keep them and other residents safe, and only until an alternative means of keeping all residents safe can be arranged.</p> |

The facility policy requires that residents who are placed in isolation because they allege to have suffered sexual abuse have access to legally required educational programming, special education services, and daily large-muscle exercise.

The number of residents who allege to have suffered sexual abuse who were placed in isolation in the past 12 months was zero.

The number of residents who allege to have suffered sexual abuse who were placed in isolation who have been denied daily access to large muscle exercise, and/or legally required education or special education services in the past 12 months was zero.

From a review of case files of residents at risk of sexual victimization who were held in isolation in the past 12 months, the number of case files that include BOTH: • A statement of the basis for facility's concern for the residents' safety, and • The reason or reasons why alternative means of separation cannot be arranged was zero.

If a resident who alleges to have suffered sexual abuse is held in isolation, the facility affords each such resident a review every 30 days to determine whether there is a continuing need for separation from the general population.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 28, section 115.368 - Post-allegation protective custody, Policy, states, “To ensure that facilities do not automatically, or routinely involuntarily segregate youth alleged to have suffered sexual abuse or restrict their access to programming or other available activities, recognizing that any form of involuntary segregation and restrictions to programming or other privileges can be experienced as punitive by youth.

To ensure that youth at high risk for or who have alleged to have suffered sexual abuse are not placed in involuntary segregated housing unless no available alternative means of separation from likely abusers exists. The standard further intends that segregated youth have access to programs, education, and work opportunities to the extent possible and requires MCDF to document any limitations on these rights and periodically afford the youth with a review to determine the continuing need for separation.

| | |
|--|---|
| | <p>Any use of segregated housing to protect a youth who is alleged to have suffered sexual abuse shall be subject to the requirements of § 115.342.”</p> <p>Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section 115.368 - Post-allegation protective custody, Procedure, states, “MCDF will not isolate any youth who are at high risk for or who have alleged to have suffered sexual abuse, unless it is a last resort when less restrictive measures are inadequate to keep them and other youth safe, and then only until an alternative means of keeping all youth safe can be arranged. During any period of isolation, MCDF shall not deny youth daily large-muscle exercise and any legally required educational programming or special education services. Youth in isolation shall receive daily visits from a medical or mental health care clinician. Youth shall also have access to other programs and work opportunities to the extent possible. The youth will be re-assessed every 30 days and staffed during the weekly Inmate Managing Plan meeting. “</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.371 | 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. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Post Audit: Email Communication, Subject: PREA Investigations, dated 5.3.2023 4. Post Audit: Missoula County Detention Facility Memorandum, Subject: 115.371, dated 7.12.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Unit Manager 2. PREA Coordinator / Investigator <p>The interview with the Unit Manager demonstrated he had completed the facility investigations within the last 12 months but had not completed the required</p> |

specialized training for investigators. The Unit Manager provided an email communication, from the Jail Commander, Subject: PREA Investigations, stating, "I just finished reviewing PREA reports that were done during my absence. There was 1 report done in your until. I see they you completed this investigation, and that is one aspect of these that we need to leave to Lorna. Upon her request, she is certainly welcome to ask for your assistance, but she should be the lead investigator."

The interview with the Investigator demonstrated she will conduct administrative investigations and the Missoula County Sheriff Department Deputies will conduct criminal investigations.

Site Observation:

Review of investigations by utilizing the PREA Audit - Juvenile Facilities Documentation Review - Investigations template 10 of 11 investigations reviewed demonstrated each were Administrative investigations. Review of investigations demonstrated the Unit Manager who completed investigations in the past 12 months had not completed the required specialized training for investigators.

Action Plan:

- Assistant Jail Commander to provide a memorandum stating which facility position, who has completed specialized training for investigators, will complete administrative investigations.
- Upload memorandum to the supplemental files.

Post audit the facility provided a Missoula County Detention Facility Memorandum, Subject 115.371 Criminal and Administrative Agency Investigations, stating, "In accordance with PREA standard, 115.371, the PREA coordinator will conduct all juvenile administrative investigations into allegations of sexual abuse and/or sexual harassment. The PREA coordinator will utilize MCDF's "Administrative Investigation Report: Requirements & Checklist" form (attached) to ensure that each requirement of the investigation is complete. At no time, will an investigation be completed by a staff member who has not received specialized training in investigations. The PREA coordinator will maintain training through the National Institute of Corrections for "PREA: Investigating Sexual Abuse in a Confinement Setting". This training, or comparable training, shall be completed at least every 2 years, or more often if the investigator demonstrates or expresses a need for a refresher."

(a) The Missoula County Juvenile Detention Facility PAQ states the agency/facility has a policy related to criminal and administrative agency investigations.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 31, section Procedure, states, “Investigations of sexual abuse will be referred to the Missoula County Sheriff’s Office. Deputies who respond for investigation will have completed special training in sexual abuse investigations pursuant to § 115.34. Administrator investigations will use the PREA Checklist form and document in a written report. The final report will be submitted to the PREA Compliance Coordinator. “

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (a), states, “MCDF will ensure that all allegations of sexual abuse and sexual harassment are investigated thoroughly and properly so that incidents are substantiated when they should be, both to deter these incidents and to increase reporting.

(a) When MCDF conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.”

(b) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (b), states, “Where sexual abuse is alleged, MCDF shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.34.”

(c) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (c), 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.”

(d) The Missoula County Juvenile Detention Facility PAQ states the agency does not terminate an investigation solely because the source of the allegation recants the allegation.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (m), states, “MCDF shall not terminate an investigation

solely because the source of the allegation recants the allegation.”

(e) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (d), states, “When the quality of evidence appears to support criminal prosecution, MCDF shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.”

(f) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (e), 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 inmate or staff. No agency shall require a youth 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.”

(g) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (f) 1-2, states, “Administrative investigations:

1. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
2. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.”

(h) Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 30, section Policy (g), 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.”

(i) The Missoula County Juvenile Detention 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 August 20, 2012, or since the last PREA audit, whichever is later was zero.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility,

page 31, section Policy (h), states, “Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.”

(j) The Missoula County Juvenile Detention Facility PAQ states the agency retains all written reports pertaining to 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.

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 31, section Policy (i), states, “The MCDF shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by MCDF, plus five years.”

(j) Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 31, section Policy (j), states “The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.”

(k) Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 31, section Policy (k), states “Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.”

(l) Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 31, section Policy (l), states “When outside agencies investigate sexual abuse, MCDF 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.

| | |
|----------------|---|
| 115.372 | Evidentiary standard for administrative investigations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | Document Review: |

1. Missoula County Juvenile Detention Facility PAQ
2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023

Interviews:

1. PREA Coordinator / Investigator

The interview with the PREA Coordinator 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.

(a) The Missoula County Juvenile Detention Facility PAQ 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 31, section 115.372 Evidentiary standard for administrative investigations, Procedure, states, “MCDF will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. MCDF will utilize the PREA Checklist to ensure investigations are being conducted properly and a post investigation review will take place within 30 days of the determination.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 31, section 115.372 Evidentiary standard for administrative investigations, Policy, states, “To ensure that all administrative investigations into allegations of sexual abuse and sexual harassment use the correct standard of proof – a preponderance of the evidence, which means the greater weight of the evidence. Using the proper evidentiary standard enables an agency to substantiate actual incidents of sexual abuse and sexual harassment in non-criminal investigations. Consistent, properly done investigations into allegations, including using the appropriate evidentiary standard, will increase the chances that consequences will follow substantiated reports of sexual abuse and sexual harassment while also encouraging reporting and deterring further abuse.”

Through such reviews, the facility meets the standard requirements.

| | |
|----------------|---|
| 115.373 | Reporting to residents |
| | <p data-bbox="280 188 983 224">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="280 264 564 300">Auditor Discussion</p> <p data-bbox="280 340 545 376">Document Review:</p> <ol data-bbox="280 412 1436 743" style="list-style-type: none"> <li data-bbox="280 412 1024 448">1. Missoula County Juvenile Detention Facility PAQ <li data-bbox="280 483 1369 560">2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <li data-bbox="280 595 1436 672">3. Missoula County Detention Facility Juvenile PREA Post Investigation Resident Notification, dated 4.27.2022 <li data-bbox="280 707 1305 743">4. Missoula County Sheriff’s Office Case Report Compact Investigation <p data-bbox="280 855 437 891">Interviews:</p> <ol data-bbox="280 927 603 963" style="list-style-type: none"> <li data-bbox="280 927 603 963">1. PREA Coordinator <p data-bbox="280 999 1468 1160">The interview with the PREA Coordinator demonstrated notification requirements to victims was given verbally and in writing. Documentation of notifications are documented on the PREA Post Investigation Resident Notification Form and uploaded into the New World Jail Management System.</p> <p data-bbox="280 1267 526 1303">Site Observation:</p> <p data-bbox="280 1339 1362 1375">The facility has not had an allegation of sexual abuse in the past 12 months.</p> <p data-bbox="280 1482 1461 1769">(a) The Missoula County Juvenile Detention 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 eight.</p> <p data-bbox="280 1877 1436 2078">Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 32, section 115.373- Reporting to youth, Procedure, states, “Staff on Youth Allegations: Following an investigation into a youth’s allegation of sexual abuse suffered at the MCDF, the youth will be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the</p> |

investigation was completed by the Missoula County Sheriff's Department, MCDF will request the relevant information in order to inform the youth. Following a youth's allegation that a staff member has committed sexual abuse against the youth, MCDF will inform the youth (unless the program has determined that the allegation is unfounded) whenever: The staff member is no longer posted within the youth's unit; The staff member is no longer employed at MCDF; The staff member has been indicted on a charge related to sexual abuse within the agency; or The staff member has been convicted on a charge related to sexual abuse within the agency.

Youth on Youth Allegations: Following a youth's allegation that he or she has been sexually abused by another youth, MCDF will inform the alleged victim whenever: The alleged abuser has been indicted on a charge related to sexual abuse within the program; or the alleged abuser has been convicted on a charge related to sexual abuse within MCDF. All such notifications or attempted notifications shall be provided to the youth in writing on a "Post Allegation Youth Notification Response Form" by the PREA Compliance Coordinator (or designee) and be kept in the youth file.

Note: Obligation to report outcomes to the youth shall terminate if the youth is released from the agency."

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 31, section 115.373- Reporting to inmates, Policy, states, "To ensure facilities increase the likelihood that youth will report incidents of sexual abuse, by ensuring that their reports will be taken seriously and fully investigated. Youth may not be aware of the steps an agency will take to address a report of sexual abuse, and informing youth of the results of investigations will, at a minimum, let the youth know that the report has been addressed and investigated."

(b) The Missoula County Juvenile Detention Facility PAQ states this provision is not applicable as the agency conducts both administrative and criminal investigations.

(c) The Missoula County Juvenile Detention Facility PAQ states following a resident's allegation that a staff member has committed sexual abuse against the resident, the agency/facility subsequently does inform the Resident (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer posted within the Resident's unit;

- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.”

There has not been a substantiated or unsubstantiated complaint (i.e., not unfounded) of sexual abuse committed by a staff member against an inmate in an agency facility in the past 12 months.

Policy compliance can be found in provision (a) of this standard.

(d) The Missoula County Juvenile Detention 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: the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. Policy compliance can be found in provision (a) of this standard.

The facility provided a Missoula County Detention Facility PREA Post Investigation Resident Notification. This notification documents the following:

- Recipient of Notice/Date of Notification
- Nature of Allegation
- Allegation Category
- Name of Agency if investigation included outside agency
- Date Investigation began and ended
- Finding of investigation
- Sanction imposed – unless unfounded
- Suspect (staff or Youth) removed from Resident’s unit
- Staff Suspect no longer employed
- Resident Suspect no longer in program

| | |
|--|---|
| | <ul style="list-style-type: none"> · Suspect (staff or Youth) indicted · Suspect (staff or Youth) convicted · Resident Signature/Date/Time · Unit Manager printed name/signature/date · PREA Coordinator printed name/signature/date <p>(e) The Missoula County Juvenile Detention Facility PAQ states the agency has a policy that all notifications to residents described under this standard are documented. In the past 12 months, there has been seven notifications to a resident, pursuant to this standard. Of those notifications made in the past 12 months, the number that were documented was zero. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|---|
| 115.376 | Disciplinary sanctions for staff |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Captain <p>The interview with the Captain demonstrated employees alleged to have been involved in sexual harassment or sexual abuse would be removed from the area and or facility until the investigation was completed. The Captain added retaliation monitoring would begin once an allegation of abuse was received.</p> <p>Site Observation:</p> |

In the last 12 months, the facility did not have any staff in violation of an agency sexual harassment or sexual abuse policy.

(a) The Missoula County Juvenile Detention Facility PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 33, section 115.376- Disciplinary sanctions for staff, Procedure, states, “MCDF staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Disciplinary sanctions for violations of program policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of program 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 social service agencies.

Any MCDF staff member under investigation for sexual abuse will be placed on administrative leave pending the investigation to eliminate contact between the youth and the abuser.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 32, section 115.376- Disciplinary sanctions for staff, Policy, states, “To protect youth from staff sexual abuse and sexual harassment, and to hold staff accountable for violating agency sexual abuse or sexual harassment policies. Appropriate and measured disciplinary sanctions for staff demonstrate MCDF’s commitment to sexual safety. Uniform and consistently applied discipline that is commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and sanctions imposed for comparable offenses help create an environment that encourages staff to follow agency policies thus deterring staff sexual abuse and sexual harassment.”

(b) The Missoula County Juvenile Detention 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. In the past 12 months, the number of staff

| | |
|--|--|
| | <p>from the facility who have been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies is zero.</p> <p>(c) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.</p> <p>(d) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets this standard requirements.</p> |
|--|--|

| | |
|----------------|--|
| 115.377 | Corrective action for contractors and volunteers |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Captain <p>The interview with the Captain demonstrated any volunteer or contractor who engaged in sexual harassment or sexual abuse would be removed from the facility</p> |

and reported to law enforcement.

Site Observation:

In the last 12 months, the facility did not have any volunteer or contractor in violation of an agency sexual harassment or sexual abuse policy.

(a) The Missoula County Juvenile Detention 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, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of residents.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 33, section 115.377- Corrective action for contractors and volunteers, Procedure, states, “Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with youth and shall be reported to law enforcement agencies and social service agencies unless the activity was clearly not criminal. MCDF will take appropriate corrective measures and will consider whether to prohibit further contact with youth, in the case of any violations of agency sexual abuse or sexual harassment policies by a contractor or volunteer. “

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 33, section 115.377- Corrective action for contractors and volunteers, Policy, states, “To protect youth from sexual abuse and sexual harassment from contractors and volunteers, and to hold contractors and volunteers accountable for violating agency sexual abuse or sexual harassment policies. Consistent and meaningful corrective actions demonstrate MCDF’s commitment to sexual safety, and ensure that contractors and volunteers follow agency policies, thus deterring sexual abuse and sexual harassment of youth in the facility.”

(b) The Missoula County Juvenile Detention Facility PAQ states 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. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

| 115.378 | Interventions and disciplinary sanctions for residents |
|---------|--|
| | <p data-bbox="280 188 983 224">Auditor Overall Determination: Meets Standard</p> <p data-bbox="280 264 564 300">Auditor Discussion</p> <p data-bbox="280 340 544 376">Document Review:</p> <ol data-bbox="280 412 1369 560" style="list-style-type: none"><li data-bbox="280 412 1023 448">1. Missoula County Juvenile Detention Facility PAQ<li data-bbox="280 483 1369 560">2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <p data-bbox="280 667 437 703">Interviews:</p> <ol data-bbox="280 739 464 775" style="list-style-type: none"><li data-bbox="280 739 464 775">1. Captain <p data-bbox="280 810 1477 927">The interview with the Captain demonstrated youth who falsely reported PREA allegations would be disciplined in accordance with the code of conduct found in the youth handbook.</p> <p data-bbox="280 1034 1477 1406">(a/c) The Missoula County Juvenile Detention Facility PAQ states 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. Residents are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guild for resident-on-resident sexual abuse. In the past 12 months there have been five administrative findings of resident-on-resident sexual abuse have occurred at the facility. In the past 12 months there has been zero criminal findings of guilt for resident-on-resident sexual abuse, occurring at the facility.</p> <p data-bbox="280 1514 1477 1930">Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 34, section 115.378- Interventions and disciplinary sanctions for inmates, Policy, states, “To ensure that youth are held accountable for youth-on-youth sexual abuse through a formal disciplinary process that provides appropriate and measured sanctions commensurate with the nature and circumstances of the abuse, the youth’s disciplinary history and sanctions imposed for comparable offenses by youth with similar histories. Imposing consistent disciplinary sanctions demonstrates agency and facility commitment to sexual safety and helps deter sexual abuse. The disciplinary process considers factors such as mental capacity, intent, and what resources or supports can be offered to the inmate abuser to support rehabilitation.”</p> <p data-bbox="280 2033 1410 2069">Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility,</p> |

page 33-34, section 115.378- Interventions and disciplinary sanctions for inmates, Procedure, states, "MCDF promotes a safe environment with established rules that are designed to protect the youth and staff. Youth shall understand the program rules, as well as the consequences for not meeting them. Rule violations shall be addressed through a consistent and fair process as outlined in the Inmate Information and Rule Book.

A youth will be subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the youth engaged in youth-on-youth sexual abuse or following a criminal finding of guilt for youth-on-youth sexual abuse.

Any disciplinary sanctions will be commensurate with the nature and circumstances of the abuse committed, the youth's disciplinary history, and the sanctions imposed for comparable offenses by other youth with similar histories. In the event a disciplinary sanction results in the isolation of a youth, MCDF will not deny the youth daily large- muscle exercise or access to any legally required educational programming or special education services. Youth in isolation shall receive daily visits from a medical or mental health care clinician. Youth shall also have access to other programs and work opportunities to the extent possible.

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

MCDF will discipline a youth for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

MCDF will not issue 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.

All sexual activity between youth is prohibited and may result in Level 2 disciplinary action as outlined in the Inmate Information and Rule Book (series #4203)."

(b) The Missoula County Detention Facility Center PAQ states in the event a disciplinary sanction for resident-on resident sexual abuse results in the isolation of a resident, the facility policy requires that residents in isolation have daily access to large muscle exercise, legally required educational programming, and special

education services. In the event a disciplinary sanction for resident-on-resident sexual abuse results in the isolation of a resident, residents in isolation receive daily visits from a medical or mental health care clinician. In the past 12 months, the number of residents placed in isolation as a disciplinary sanction for resident-on-resident sexual abuse was zero. Policy compliance can be found in provision (a) of this standard.

(d) The Missoula County Juvenile Detention Facility PAQ states the facility does offer therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse. However, the facility does not require participation as a condition of access to programming or other benefits.

(e) The Missoula County Juvenile Detention Facility PAQ states the agency disciplines residents for sexual contact with staff only upon finding that the staff member did not consent to such contact. Policy compliance can be found in provision (a) of this standard.

(f) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.

(g) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.

Through such reviews, the facility meets the standard requirements.

| | |
|----------------|--|
| 115.381 | Medical and mental health screenings; history of sexual abuse |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | Document Review: |

1. Missoula County Juvenile Detention Facility PAQ
2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023
3. Missoula County Detention Facility 14 Day Mental Health Tracker, not dated

Interviews:

1. Targeted Youth
2. Detention Officers
3. Corporal
4. RN, Director of Operations - Medical contractor

Interviews with youth demonstrated each were offered and referred, if they wanted, to mental health upon their disclosure of past sexual victimization.

Interviews with the Corporal demonstrated disclosure reports are reported to mental health and medical upon completion of risk assessments where past victimization or aggression had taken place, if the youth accepts the offer of mental health services.

The interview with the Director of Operations demonstrated the medical and mental health staff receive referrals from intake staff and respond to those referrals within three business days.

Site Observation:

During the onsite review the Juvenile Unit Manager presented a spreadsheet of youth who were referred and seen due to disclosures received by youth.

(a) The Missoula County Juvenile Detention Facility PAQ states all residents at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. In the past 12 months 100% residents who disclosed prior victimization during the intake screening were offered a follow-up meeting with a medical or mental health provider. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 35, section 115.381- Medical and mental health screenings; History of sexual abuse; Information Management, Policy, states, “To require a facility to timely address any medical, mental health, or security needs concerning youth who have experienced or perpetrated prior sexual abuse, either in a confinement setting or in the community. Identifying and offering treatment to youth with prior victimization is intended to address immediate mental health needs. Identifying and offering a follow-up meeting with a mental health practitioner to prior abusers has the potential to reduce future incidents of sexual abuse and create an improved overall sense of safety within MCDF.

To ensure that a facility that receives information related to sexual victimization or abusiveness that occurred in an institutional setting limits access to those individuals with a need to know and ensures informed consent regarding the release of information about prior sexual victimization in the community. Protecting the confidentiality of youth information is essential to increase youth confidence and trust in the system of reporting, investigation, and treatment.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 35, section 115.381- Medical and mental health screenings; History of sexual abuse; Information Management, Procedure, states, If the screening pursuant to PREA Standard 115.341 indicates that a youth has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, MCDF will ensure that the youth is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

If the screening pursuant to PREA Standard 115.341 indicates that a youth has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, MCDF shall ensure that the youth is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform security and management decisions, including housing, bed, work, education, or as otherwise required by Federal, State, or local law.

Medical and mental health practitioners will obtain informed consent from youth

before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the youth is under the age of 18.

MCDF will conduct a mental health evaluation of all known youth on youth abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by qualified mental health practitioners (115.383).”

(b) The Missoula County Juvenile Detention Facility PAQ states all residents who have ever previously perpetrated sexual abuse are offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. In the past 12 months 100% residents who disclosed previously perpetrated sexual abuse, as indicated during the screening process. Policy compliance can be found in provision (a) of this standard.

The facility provided a Missoula County Detention Facility 14 Day Mental Health Tracker. This form documents the following.

- Inmate Name
- Inmate Number
- Victim or Aggressor
- Booking Date
- Referral Date/Time
- Referral type: Medical or Risk Assessment
- Date/Time Met with Therapist
- Therapist Name

(c) The Missoula County Juvenile Detention Facility PAQ states information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners. Policy compliance can be found in provision (a) of this standard.

(d) The Missoula County Juvenile Detention Facility PAQ states medical and mental health practitioners obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18. Policy compliance can be found

| | |
|--|--|
| | <p>in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|--|
| 115.382 | Access to emergency medical and mental health services |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. Detention Officers 2. Corporal 3. RN, Director of Operations - Medical contractor 4. Under Sheriff <p>Interviews with facility personnel demonstrated each are aware of access to emergency medical and mental health services. Staff interviewed stated medical and mental health staff would be notified upon receipt of an allegation of sexual abuse.</p> <p>The interview with the Director of Operations demonstrated her staff would provide services to First Step as soon as agency criminal investigators have collect forensic evidence from the victim.</p> <p>The interview with the Under Sheriff demonstrated he has a team of criminal investigators who take turns being on call 24 hours a day, seven days a week. The Under Sheriff stated a criminal investigator would immediately report to the facility upon receipt of an allegation of sexual abuse.</p> |

(a-b) The Missoula County Juvenile Detention 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. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. The PAQ states, "Wellpath medical and mental health staff maintain several types of documentation for the variety of medical and mental health services offered throughout the facility."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 36, section 115.382- Inmate access to emergency medical and mental health services, Policy, states, "Victims of sexual assault in a facility will have access to emergency medical and mental health services."

Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 36, section 115.382- Inmate access to emergency medical and mental health services, Procedure, states, "Youth 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.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim pursuant to § 115.362 and will immediately notify the appropriate medical and mental health practitioners.

Youth victims of sexual abuse while at MCDF will 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.

Mental health and medical services will 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>A written MOU has been established for outside services for emergency medical and mental health services.”</p> <p>(c) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.</p> <p>(d) The Missoula County Juvenile Detention 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. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.383 | Ongoing medical and mental health care for sexual abuse victims and abusers |
| | Auditor Overall Determination: Exceeds Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 <p>Interviews:</p> <ol style="list-style-type: none"> 1. RN, Director of Operations – Medical contractor <p>The interview with the Director of Operations stated youth returning from a SANE would be evaluated within the hour upon return and a continuum of care would begin at that time.</p> |

(a-c) The Missoula County Juvenile Detention 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 36, section 115.383- Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers; Victim Services, Policy, states, “To ensure that a youth who has experienced sexual abuse in any confinement setting is offered, and provided if accepted, medical and mental health evaluations and appropriate treatment at no cost to the youth. Appropriate treatment is determined by medical and mental health professionals according to their professional judgment and must be consistent with the level of care provided in the community.”

(d-e) The Missoula County Juvenile Detention Facility PAQ states female victims of sexual abusive vaginal penetration while incarcerated are offered pregnancy tests.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 36-37, section 115.383- Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers; Victim Services, Procedure, states, “MCDF will offer medical and mental health evaluation and, as appropriate, treatment to all youth who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. Treatment of sexual abuse victims will include, follow-up services, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from MCDF. The treatment services will be consistent with the community level of care. Youth victims of sexually abusive vaginal penetration while at MCDF will be offered pregnancy tests. If pregnancy is detected, victims will receive information about and timely access to all lawful pregnancy-related medical services. PREA Compliance Coordinator will notify parent/guardian of test results in accordance with state and local laws. Youth victims of sexual abuse while at MCDF will be offered tests for sexually transmitted infections as medically appropriate. Treatment services will 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. MCDF will attempt to conduct a mental health evaluation for all know youth-on-youth abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. “

(f) The Missoula County Juvenile Detention Facility PAQ states resident victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Policy compliance can be found in provision (d-e) of this

| | |
|--|---|
| | <p>standard.</p> <p>(g) The Missoula County Juvenile Detention Facility PAQ states 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. Policy compliance can be found in provision (d-e) of this standard.</p> <p>(h) The Missoula County Juvenile Detention Facility PAQ states if the facility is a prison, it attempts 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. Policy compliance can be found in provision (d-e) of this standard.</p> <p>Through such reviews of the Medical and Mental Health Department completing an evaluation of services within one hour of a victims' return from a SANE exam to begin a continuum of services, the facility exceeds the standard requirements.</p> |
|--|---|

| | |
|----------------|---|
| 115.386 | Sexual abuse incident reviews |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, dated 5.2023 3. Missoula County Detention Facility PREA Administrative & Response Review Form, dated 6.9.2022 4. Missoula County Detention Facility PREA Investigation Recommendation and Implementation Form, dated 4.1.2022 <p>Interviews:</p> <ol style="list-style-type: none"> 1. PREA Coordinator 2. Captain |

3. Assistant Jail Commander

The team on-site were aware of the requirements to document and safeguard investigations. Incident Reviews are completed by the facility with follow up by the administrative team within 30 days of the completion of a sexual abuse investigation.

Site Observation:

The facility did not have a sexual abuse investigation in the past 12 months.

(a) The Missoula County Juvenile Detention Facility PAQ states the facility ordinarily conducts a sexual abuse incident review within 30 days of the conclusion of the criminal or administrative sexual abuse 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 was six.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 37, section 115.386- Sexual abuse incident reviews, Policy, states, “At the conclusion of every sexual abuse investigation, an incident review will be completed to evaluate whether any changes in policy or practice at the facility need to be made. The incident review process is intended to allow the facility to identify systemic problems in policies, practices, dynamics, physical barriers, staffing levels, and monitoring what may have contributed to an incident or allegation of sexual abuse, so that the facility can improve conditions to avoid future incidents of allegations.”

(b) The Missoula County Juvenile Detention 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 was zero.

The facility provided a Missoula County Detention Facility PREA Administrative & Response Review Form. This form documents the following.

- Victims Name
- Allegation Type

- Date of Incident
- At the time of the incident, did staffing levels meet required ratio?
- If yes, was staffing sufficient?
- Did incident involve new staff (within 120 days of hire)?
- If yes, had new staff received all training (including adequate on the job training)?
- Was veteran staff current on training?
- At the time of the incident, was staff in their assigned area?
- Were inmates in assigned area?
- Were there any physical barriers to supervision (outside of line of sight, closed door, etc.)?
- Any other factors not addressed above?
- Was the scheduled activity taking place?
- Did Inmate Risk Assessments take place at intake (Including documentation in file)?
- Were room assignments appropriate?
- Were room assignments appropriate?
- Has the alleged perpetrator previously been identified as a potential threat to others?
- If yes, was any action taken (prior to the incident) to reduce potential threat?
- Were any policies not followed at the time of the incident?
- Did the alleged incident take place in an area under video surveillance?
- If yes, were cameras working?
- Is there any indication the incident was motivated by race, ethnicity, gender identity, LGBTQI identification, status or perceived status or gang affiliation?
- Is there any indication the incident was motivated by any other group dynamics at the facility?
- Is there a need for a Recommendations & Implementation plan?
- If yes, were they documented and attached to this form?
- Date incident was reviewed at Missoula County Detention Facility?

· Commander signature and date / PREA Compliance Coordinator signature and date

(c) The Missoula County Juvenile Detention 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 37, section 115.386- Sexual abuse incident reviews, Procedure states, “Within 30 days of the conclusion of the sexual assault investigation, the PREA Compliance Coordinator will conduct a sexual abuse incident review utilizing the MCDF Administrative & Response Review Form. The review team will include upper-level management officials with input from Unit Managers, investigators, and medical or mental health practitioners. The PREA Compliance Coordinator and the review team will consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the program; Examine the area facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; Assess the adequacy of staffing levels in that area during different shifts; Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and Prepare a report of its findings. MCDF will implement the recommendations for improvement or document the reasons for not making changes.”

(d) The Missoula County Juvenile Detention 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 PREA Compliance Manager. Policy compliance can be found in provision (c) of this standard.

(e) The Missoula County Juvenile Detention Facility PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Policy compliance can be found in provision (c) of this standard.

The facility provided a Missoula County Detention Facility PREA Investigation Recommendation and Implementation Form. This form documents the following.

| | |
|--|---|
| | <ul style="list-style-type: none"> · Facility · Date of Incident · Today's Date · Attendees · Description of System Issue / Policy Violation (include policy number) · Recommendations & Implementation Steps: Specific step, whose responsible. Time for completion · Commander and PREA Compliance Coordinator signature and date <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|---|

| | |
|----------------|--|
| 115.387 | Data collection |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 3. 2023 PREA Annual Report, Missoula County Juvenile Detention Facility 4. Incident Tracking Form <p>(a)/(c)-1,2</p> <p>The Missoula County Juvenile Detention 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>Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 38, section 115.387- Data collection, Policy, states, "To ensure that facilities collect uniform data on how many allegations of sexual abuse are made at its facilities, the type of sexual abuse alleged, and how the allegations were resolved.</p> |

Collecting this data and comparing the data annually can reveal trends or changes in facility sexual safety. The standard envisions sharing of the data annually with the Department of Justice to increase the knowledge of the prevalence of sexual abuse in correctional facilities. Additionally, increasing the available data and information on the incidence of sexual abuse consequently improves the agency and facility management.”

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 38, section 115.387- Data collection, Procedure, states, “MCDJ will collect accurate, uniform data for every allegation of sexual abuse in the facility. The PREA Compliance Coordinator will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Data collected by site PREA Compliance Coordinator 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. The PREA Compliance Coordinator will aggregate the incident-based sexual abuse data at least annually. Upon request, MCDJ will provide all such data from the previous calendar year to the Department of Justice no later than June 30.”

(b) The Missoula County Juvenile Detention Facility PAQ states the annual report includes a comparison of the current year’s data and corrective action from prior years. Intent for policy compliance can be found in provision (a) of this standard.

The facility provided a 2023 PREA Annual Report, Missoula County Juvenile Detention Facility. The report documents the following information.

- Year in Review: Aggregated Data
 - o Allegations
 - o Investigations
 - o Breakdown
- Missoula County PREA Goals and Values
 - o Prevention
 - o Policies and Practices
 - o Investigations and Response
- Missoula County’s Commitment to Values
 - o Culture and Community

- o Inmate Support
- o Better Practices
 - Analysis
- o Comparisons
- o Progress Made
- o Analysis
 - Resources

The report is signed by the Under Sheriff.

(d) The Missoula County Juvenile Detention 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. Intent for policy compliance can be found in provision (a) of this standard.

The facility provided an Incident Tracking form. The form compiles the following information.

- PREA Incident #
- Date Reported
- Alleged Victim / Global #
- Global # / Alleged Abuser
- Offered Medical/MH
- Date closed
- Determination
- Retaliation Monitoring
- Start Date / End Date
- Staff Action Review
- Victim Notified
- Case Review Date
- Reporting Method

| | |
|--|--|
| | <ul style="list-style-type: none"> · Previous Complaints from Perpetrator · Inmates Separated · Evidence Collection / SANE / SAFE · Notes <p>(e) The Missoula County Juvenile Detention Facility PAQ states N/A as the agency does not contract with private facilities. This provision is not applicable as the agency does not contract with private facilities.</p> <p>(f) The Missoula County Juvenile Detention Facility PAQ states N/A as the Department of Justice has not requested agency data for the previous calendar year.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|--|
| 115.388 | Data review for corrective action |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 <p>(a) The Missoula County Juvenile Detention Facility PAQ states the agency reviews data collected and aggregated pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:</p> <ul style="list-style-type: none"> · Identifying problem areas; · Taking corrective action on an ongoing basis; and · 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. |

The facility will begin this process in 2023 once a full year of data is compiled.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 38, section 115.388- Data review for corrective action, Policy, states, “To ensure that required sexual abuse data is used to identify problem areas, and to take ongoing corrective action to improve the prevention, detection and response policies and practices of MCDF. To require MCDF to prepare an annual report for their facility and for the agency as a whole on the prevalence of sexual abuse and to provide this report to the public through the MCDF website or other means thus ensuring transparency. Comparing the current year’s data with data from prior years and providing an assessment of the agency’s progress promotes agency accountability.

(b) The Missoula County Juvenile Detention 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.

Missoula County Detention Facility PREA Policy and Procedure – Juvenile Facility, page 38, section 115.388- Data review for corrective action, Procedure, states “MCDF will review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. Data reviewed will include the following: Identifying problem areas; Taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions for each program, as well as the organization as a whole. The report will include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the organization’s progress in addressing sexual abuse. MCDF’s report shall be approved by the Commander and made readily available to the public through our website. MCDF may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a program but must indicate the nature of the material redacted.”

(c) The Missoula County Juvenile Detention 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 following is the agency website where the annual reports will be located is <https://www.missoulacounty.us/government/public-safety/detention-facility>

(d) The Missoula County Juvenile Detention Facility PAQ states when the agency

| | |
|--|--|
| | <p>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. Policy compliance can be found in provision (b) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|---|
| 115.389 | Data storage, publication, and destruction |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Document Review:</p> <ol style="list-style-type: none"> 1. Missoula County Juvenile Detention Facility PAQ 2. Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, dated 5.2023 <p>(a) The Missoula County Juvenile Detention Facility PAQ states the agency ensures that incident-based and aggregate data are securely retained.</p> <p>Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 39, section 115.389- Data storage, publication, and destruction, Policy, states, "To ensure that sexual abuse data is published appropriately for transparency while ensuring the safe storage of data to protect confidentiality, and to ensure that data is not destroyed prematurely. To inform the public about the levels of sexual abuse experienced by people in confinement and raise awareness of the issue, while also protecting the privacy of inmates who have been sexually abused."</p> <p>Missoula County Detention Facility PREA Policy and Procedure - Juvenile Facility, page 39, section 115.389- Data storage, publication, and destruction, Procedure, states, "MCDF will ensure that data collected pursuant to § 115.387 is securely retained for at least 10 years after the date of its initial collection unless Federal, State, or local laws require otherwise. Hard copies of data are secured at the facility in either the Human Resources office or the PRRA Compliance Coordinator's office. The electronic data is securely retained with access limited to the PREA Compliance Coordinator, and upper-level Administration. MCDF will make all aggregated sexual abuse data, from programs under its direct control readily available to the public at</p> |

| | |
|--|--|
| | <p>least annually through its website. Before making aggregated sexual abuse data publicly available, MCDF will remove all personal identifiers.”</p> <p>(b) The Missoula County Juvenile Detention Facility PAQ states 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. Policy compliance can be found in provision (a) of this standard.</p> <p>(c) The Missoula County Juvenile Detention Facility PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. Policy compliance can be found in provision (a) of this standard.</p> <p>Through such reviews, the facility meets the standard requirements.</p> |
|--|--|

| | |
|----------------|--|
| 115.401 | Frequency and scope of audits |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>(a) During the prior three-year audit period, the agency ensured that each facility operated was audited, once.</p> <p>(b) This is the second audit cycle for Missoula County Youth Detention Center and the first year of the fourth audit cycle.</p> <p>(c) The Auditor was granted complete access to, and the ability to observe, all areas of the facility.</p> <p>(d) The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information).</p> <p>(e) The Auditor was permitted to conduct private interviews with residents.</p> |

| | |
|--|--|
| | <p>(f) Youth 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>Through such reviews, the facility meets the standards requirements.</p> |
|--|--|

| | |
|----------------|--|
| 115.403 | Audit contents and findings |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>(b) The agency has posted the current 2022 PREA audit report, on their website.</p> <p>Through such reviews, the facility meets the standards requirements.</p> |

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

| | | |
|--------------------|---|-----|
| | Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of residents OR the response to 115.312(a)-1 is "NO".) | na |
| 115.313 (a) | Supervision and monitoring | |
| | Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse? | yes |
| | Does the agency ensure that each facility has implemented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse? | yes |
| | Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect residents against sexual abuse? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Generally accepted juvenile detention and correctional/secure residential practices? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any judicial findings of inadequacy? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any findings of inadequacy from Federal investigative agencies? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate | yes |

| | | |
|--------------------|--|-----|
| | staffing levels and determining the need for video monitoring: Any findings of inadequacy from internal or external oversight bodies? | |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: All components of the facility's physical plant (including "blind-spots" or areas where staff or residents may be isolated)? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The composition of the resident population? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: The number and placement of supervisory staff? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Institution programs occurring on a particular shift? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any applicable State or local laws, regulations, or standards? | yes |
| | Does the agency ensure that each facility's staffing plan takes into consideration the 11 criteria below in calculating adequate staffing levels and determining the need for video monitoring: Any other relevant factors? | yes |
| 115.313 (b) | Supervision and monitoring | |
| | Does the agency comply with the staffing plan except during limited and discrete exigent circumstances? | yes |
| | In circumstances where the staffing plan is not complied with, does the facility fully document all deviations from the plan? (N/A if no deviations from staffing plan.) | yes |
| 115.313 (c) | Supervision and monitoring | |
| | Does the facility maintain staff ratios of a minimum of 1:8 during resident waking hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.) | yes |

| | | |
|--------------------|---|-----|
| | Does the facility maintain staff ratios of a minimum of 1:16 during resident sleeping hours, except during limited and discrete exigent circumstances? (N/A only until October 1, 2017.) | yes |
| | Does the facility fully document any limited and discrete exigent circumstances during which the facility did not maintain staff ratios? (N/A only until October 1, 2017.) | yes |
| | Does the facility ensure only security staff are included when calculating these ratios? (N/A only until October 1, 2017.) | yes |
| | Is the facility obligated by law, regulation, or judicial consent decree to maintain the staffing ratios set forth in this paragraph? | yes |
| 115.313 (d) | Supervision and monitoring | |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? | yes |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: Prevailing staffing patterns? | yes |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? | yes |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? | yes |
| 115.313 (e) | Supervision and monitoring | |
| | Has the facility implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? (N/A for non-secure facilities) | yes |
| | Is this policy and practice implemented for night shifts as well as day shifts? (N/A for non-secure facilities) | yes |
| | Does the facility have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational | yes |

| | | |
|--------------------|---|-----|
| | functions of the facility? (N/A for non-secure facilities) | |
| 115.315 (a) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners? | yes |
| 115.315 (b) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from conducting cross-gender pat-down searches in non-exigent circumstances? | yes |
| 115.315 (c) | Limits to cross-gender viewing and searches | |
| | Does the facility document and justify all cross-gender strip searches and cross-gender visual body cavity searches? | yes |
| | Does the facility document all cross-gender pat-down searches? | yes |
| 115.315 (d) | Limits to cross-gender viewing and searches | |
| | Does the facility implement policies and procedures that enable residents to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? | yes |
| | Does the facility require staff of the opposite gender to announce their presence when entering a resident housing unit? | yes |
| | In facilities (such as group homes) that do not contain discrete housing units, does the facility require staff of the opposite gender to announce their presence when entering an area where residents are likely to be showering, performing bodily functions, or changing clothing? (N/A for facilities with discrete housing units) | yes |
| 115.315 (e) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from searching or physically examining transgender or intersex residents for the sole purpose of determining the resident's genital status? | yes |
| | If a resident's genital status is unknown, does the facility | yes |

| | | |
|--------------------|---|-----|
| | 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? | |
| 115.315 (f) | Limits to cross-gender viewing and searches | |
| | Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? | yes |
| | Does the facility/agency train security staff in how to conduct searches of transgender and intersex residents in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? | yes |
| 115.316 (a) | Residents with disabilities and residents who are limited English proficient | |
| | Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who are deaf or hard of hearing? | yes |
| | Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who are blind or have low vision? | yes |
| | Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who have intellectual disabilities? | yes |
| | Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Residents who have psychiatric disabilities? | yes |
| | Does the agency take appropriate steps to ensure that residents with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: | yes |

| | | |
|--------------------|---|-----|
| | Residents who have speech disabilities? | |
| | 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 |
| 115.316 (b) | Residents with disabilities and residents who are limited English proficient | |
| | Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient? | yes |
| | Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? | yes |
| 115.316 (c) | Residents with disabilities and residents who are limited English proficient | |
| | Does the agency always refrain from relying on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's | yes |

| | | |
|--------------------|--|-----|
| | safety, the performance of first-response duties under §115.364, or the investigation of the resident’s allegations? | |
| 115.317 (a) | Hiring and promotion decisions | |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? | yes |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? | yes |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the bullet immediately above? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with residents who: Has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? | yes |
| 115.317 (b) | Hiring and promotion decisions | |
| | Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with residents? | yes |
| 115.317 | Hiring and promotion decisions | |

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

| | | |
|--------------------|---|-----|
| | employees? | |
| | Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? | yes |
| 115.317 (g) | Hiring and promotion decisions | |
| | Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? | yes |
| 115.317 (h) | Hiring and promotion decisions | |
| | Unless prohibited by law, does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) | yes |
| 115.318 (a) | Upgrades to facilities and technologies | |
| | If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.) | na |
| 115.318 (b) | Upgrades to facilities and technologies | |
| | If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect residents from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.) | na |
| 115.321 (a) | Evidence protocol and forensic medical examinations | |

| | | |
|--------------------|---|-----|
| | If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |
| 115.321 (b) | Evidence protocol and forensic medical examinations | |
| | Is this protocol developmentally appropriate for youth? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |
| | Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |
| 115.321 (c) | Evidence protocol and forensic medical examinations | |
| | Does the agency offer all residents who experience sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? | yes |
| | Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? | yes |
| | If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? | yes |
| | Has the agency documented its efforts to provide SAFEs or SANEs? | yes |
| 115.321 (d) | Evidence protocol and forensic medical examinations | |
| | Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? | yes |

| | | |
|--------------------|--|-----|
| | If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? | yes |
| | Has the agency documented its efforts to secure services from rape crisis centers? | yes |
| 115.321 (e) | Evidence protocol and forensic medical examinations | |
| | As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? | yes |
| | As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? | yes |
| 115.321 (f) | Evidence protocol and forensic medical examinations | |
| | If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency is not responsible for investigating allegations of sexual abuse.) | yes |
| 115.321 (h) | Evidence protocol and forensic medical examinations | |
| | If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (Check N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.321(d) above.) | yes |
| 115.322 (a) | Policies to ensure referrals of allegations for investigations | |
| | Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? | yes |
| | Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? | yes |

| | | |
|------------------------|---|-----|
| 115.322 (b) | Policies to ensure referrals of allegations for investigations | |
| | Does the agency have a policy in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? | yes |
| | Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? | yes |
| | Does the agency document all such referrals? | yes |
| 115.322 (c) | Policies to ensure referrals of allegations for investigations | |
| | If a separate entity is responsible for conducting criminal investigations, does such publication describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.321(a)) | yes |
| 115.331 (a) | Employee training | |
| | Does the agency train all employees who may have contact with residents on: Its zero-tolerance policy for sexual abuse and sexual harassment? | yes |
| | Does the agency train all employees who may have contact with residents on: How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? | yes |
| | Does the agency train all employees who may have contact with residents on: Residents' right to be free from sexual abuse and sexual harassment | yes |
| | Does the agency train all employees who may have contact with residents on: The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment? | yes |
| | Does the agency train all employees who may have contact with residents on: The dynamics of sexual abuse and sexual harassment in juvenile facilities? | yes |
| | Does the agency train all employees who may have contact with residents on: The common reactions of juvenile victims of sexual abuse and sexual harassment? | yes |

| | | |
|--------------------|---|-----|
| | Does the agency train all employees who may have contact with residents on: How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between residents? | yes |
| | Does the agency train all employees who may have contact with residents on: How to avoid inappropriate relationships with residents? | yes |
| | Does the agency train all employees who may have contact with residents on: How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents? | yes |
| | Does the agency train all employees who may have contact with residents on: How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? | yes |
| | Does the agency train all employees who may have contact with residents on: Relevant laws regarding the applicable age of consent? | yes |
| 115.331 (b) | Employee training | |
| | Is such training tailored to the unique needs and attributes of residents of juvenile facilities? | yes |
| | Is such training tailored to the gender of the residents at the employee's facility? | yes |
| | Have employees received additional training if reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa? | yes |
| 115.331 (c) | Employee training | |
| | Have all current employees who may have contact with residents received such training? | yes |
| | Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? | yes |
| | In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? | yes |

| | | |
|------------------------|---|-----|
| 115.331 (d) | Employee training | |
| | Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? | yes |
| 115.332 (a) | Volunteer and contractor training | |
| | Has the agency ensured that all volunteers and contractors who have contact with residents have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? | yes |
| 115.332 (b) | Volunteer and contractor training | |
| | Have all volunteers and contractors who have contact with residents been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with residents)? | yes |
| 115.332 (c) | Volunteer and contractor training | |
| | Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? | yes |
| 115.333 (a) | Resident education | |
| | During intake, do residents receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? | yes |
| | During intake, do residents receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? | yes |
| | Is this information presented in an age-appropriate fashion? | yes |
| 115.333 (b) | Resident education | |
| | Within 10 days of intake, does the agency provide age-appropriate | yes |

| | | |
|--------------------|--|-----|
| | comprehensive education to residents either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? | |
| | Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? | yes |
| | Within 10 days of intake, does the agency provide age-appropriate comprehensive education to residents either in person or through video regarding: Agency policies and procedures for responding to such incidents? | yes |
| 115.333 (c) | Resident education | |
| | Have all residents received such education? | yes |
| | Do residents receive education upon transfer to a different facility to the extent that the policies and procedures of the resident's new facility differ from those of the previous facility? | yes |
| 115.333 (d) | Resident education | |
| | Does the agency provide resident education in formats accessible to all residents including those who: Are limited English proficient? | yes |
| | Does the agency provide resident education in formats accessible to all residents including those who: Are deaf? | yes |
| | Does the agency provide resident education in formats accessible to all residents including those who: Are visually impaired? | yes |
| | Does the agency provide resident education in formats accessible to all residents including those who: Are otherwise disabled? | yes |
| | Does the agency provide resident education in formats accessible to all residents including those who: Have limited reading skills? | yes |
| 115.333 (e) | Resident education | |
| | Does the agency maintain documentation of resident participation in these education sessions? | yes |
| 115.333 (f) | Resident education | |

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

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

| | | |
|------------------------|---|-----|
| 115.335 (d) | Specialized training: Medical and mental health care | |
| | Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.331? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) | yes |
| | Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.332? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) | yes |
| 115.341 (a) | Obtaining information from residents | |
| | Within 72 hours of the resident's arrival at the facility, does the agency obtain and use information about each resident's personal history and behavior to reduce risk of sexual abuse by or upon a resident? | yes |
| | Does the agency also obtain this information periodically throughout a resident's confinement? | yes |
| 115.341 (b) | Obtaining information from residents | |
| | Are all PREA screening assessments conducted using an objective screening instrument? | yes |
| 115.341 (c) | Obtaining information from residents | |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Prior sexual victimization or abusiveness? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the resident may therefore be vulnerable to sexual abuse? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Current charges and offense history? | yes |
| | During these PREA screening assessments, at a minimum, does | yes |

| | | |
|--------------------|---|-----|
| | the agency attempt to ascertain information about: Age? | |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Level of emotional and cognitive development? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Physical size and stature? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Mental illness or mental disabilities? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Intellectual or developmental disabilities? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Physical disabilities? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: The resident's own perception of vulnerability? | yes |
| | During these PREA screening assessments, at a minimum, does the agency attempt to ascertain information about: Any other specific information about individual residents that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other residents? | yes |
| 115.341 (d) | Obtaining information from residents | |
| | Is this information ascertained: Through conversations with the resident during the intake process and medical mental health screenings? | yes |
| | Is this information ascertained: During classification assessments? | yes |
| | Is this information ascertained: By reviewing court records, case files, facility behavioral records, and other relevant documentation from the resident's files? | yes |
| 115.341 (e) | Obtaining information from residents | |
| | Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked | yes |

| | | |
|--------------------|---|-----|
| | pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents? | |
| 115.342 (a) | Placement of residents | |
| | Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Housing Assignments? | yes |
| | Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Bed assignments? | yes |
| | Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Work Assignments? | yes |
| | Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Education Assignments? | yes |
| | Does the agency use all of the information obtained pursuant to § 115.341 and subsequently, with the goal of keeping all residents safe and free from sexual abuse, to make: Program Assignments? | yes |
| 115.342 (b) | Placement of residents | |
| | Are residents isolated from others only as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then only until an alternative means of keeping all residents safe can be arranged? | yes |
| | During any period of isolation, does the agency always refrain from denying residents daily large-muscle exercise? | yes |
| | During any period of isolation, does the agency always refrain from denying residents any legally required educational programming or special education services? | yes |
| | Do residents in isolation receive daily visits from a medical or mental health care clinician? | yes |
| | Do residents also have access to other programs and work opportunities to the extent possible? | yes |

| | | |
|------------------------|--|-----|
| 115.342 (c) | Placement of residents | |
| | Does the agency always refrain from placing: Lesbian, gay, and bisexual residents in particular housing, bed, or other assignments solely on the basis of such identification or status? | yes |
| | Does the agency always refrain from placing: Transgender residents in particular housing, bed, or other assignments solely on the basis of such identification or status? | yes |
| | Does the agency always refrain from placing: Intersex residents in particular housing, bed, or other assignments solely on the basis of such identification or status? | yes |
| | Does the agency always refrain from considering lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator or likelihood of being sexually abusive? | yes |
| 115.342 (d) | Placement of residents | |
| | When deciding whether to assign a transgender or intersex resident to a facility for male or female residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns residents to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? | yes |
| | When making housing or other program assignments for transgender or intersex residents, does the agency consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether a placement would present management or security problems? | yes |
| 115.342 (e) | Placement of residents | |
| | Are placement and programming assignments for each transgender or intersex resident reassessed at least twice each year to review any threats to safety experienced by the resident? | yes |
| 115.342 (f) | Placement of residents | |
| | Are each transgender or intersex resident's own views with respect to his or her own safety given serious consideration when | yes |

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

| | | |
|--------------------|--|-----|
| | entity or office that is not part of the agency? | |
| | Is that private entity or office able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials? | yes |
| | Does that private entity or office allow the resident to remain anonymous upon request? | yes |
| | Are residents detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security to report sexual abuse or harassment? | yes |
| 115.351 (c) | Resident reporting | |
| | Do staff members accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? | yes |
| | Do staff members promptly document any verbal reports of sexual abuse and sexual harassment? | yes |
| 115.351 (d) | Resident reporting | |
| | Does the facility provide residents with access to tools necessary to make a written report? | yes |
| 115.351 (e) | Resident reporting | |
| | Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of residents? | yes |
| 115.352 (a) | Exhaustion of administrative remedies | |
| | 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 |
| 115.352 (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 an resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| 115.352 (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 |
| 115.352 (d) | Exhaustion of administrative remedies | |
| | Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by residents in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) | yes |
| | If the agency determines that the 90 day timeframe is insufficient to make an appropriate decision and claims an extension of time (the maximum allowable extension of time to respond is 70 days per 115.352(d)(3)) , does the agency notify the resident in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) | yes |
| | At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, may a resident consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) | yes |
| 115.352 (e) | Exhaustion of administrative remedies | |

| | | |
|--------------------|---|-----|
| | Are third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| | Are those third parties also permitted to file such requests on behalf of residents? (If a third party, other than a parent or legal guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) | yes |
| | If the resident declines to have the request processed on his or her behalf, does the agency document the resident's decision? (N/A if agency is exempt from this standard.) | yes |
| | Is a parent or legal guardian of a juvenile allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile? (N/A if agency is exempt from this standard.) | yes |
| | If a parent or legal guardian of a juvenile files a grievance (or an appeal) on behalf of a juvenile regarding allegations of sexual abuse, is it the case that those grievances are not conditioned upon the juvenile agreeing to have the request filed on his or her behalf? (N/A if agency is exempt from this standard.) | yes |
| 115.352 (f) | Exhaustion of administrative remedies | |
| | Has the agency established procedures for the filing of an emergency grievance alleging that a resident is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| | After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.) | yes |
| | After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) | yes |

| | | |
|--------------------|---|-----|
| | After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) | yes |
| | Does the initial response and final agency decision document the agency's determination whether the resident is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| | Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) | yes |
| | Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) | yes |
| 115.352 (g) | Exhaustion of administrative remedies | |
| | If the agency disciplines a resident for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the resident filed the grievance in bad faith? (N/A if agency is exempt from this standard.) | yes |
| 115.353 (a) | Resident access to outside confidential support services and legal representation | |
| | Does the facility provide residents with access to outside victim advocates for emotional support services related to sexual abuse by providing, posting, or otherwise making accessible mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? | yes |
| | Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? | yes |
| | Does the facility enable reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible? | yes |
| 115.353 (b) | Resident access to outside confidential support services and legal representation | |
| | Does the facility inform residents, prior to giving them access, of the extent to which such communications will be monitored and | yes |

| | | |
|--------------------|---|-----|
| | the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? | |
| 115.353 (c) | Resident access to outside confidential support services and legal representation | |
| | Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide residents with confidential emotional support services related to sexual abuse? | yes |
| | Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? | yes |
| 115.353 (d) | Resident access to outside confidential support services and legal representation | |
| | Does the facility provide residents with reasonable and confidential access to their attorneys or other legal representation? | yes |
| | Does the facility provide residents with reasonable access to parents or legal guardians? | yes |
| 115.354 (a) | Third-party reporting | |
| | Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? | yes |
| | Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of a resident? | yes |
| 115.361 (a) | Staff and agency reporting duties | |
| | Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? | yes |
| | Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding retaliation against residents or staff who reported an incident of sexual abuse or sexual harassment? | yes |
| | Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or | yes |

| | | |
|--------------------|---|-----|
| | information they receive regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? | |
| 115.361 (b) | Staff and agency reporting duties | |
| | Does the agency require all staff to comply with any applicable mandatory child abuse reporting laws? | yes |
| 115.361 (c) | Staff and agency reporting duties | |
| | Apart from reporting to designated supervisors or officials and designated State or local services agencies, are staff prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? | yes |
| 115.361 (d) | Staff and agency reporting duties | |
| | Are medical and mental health practitioners required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section as well as to the designated State or local services agency where required by mandatory reporting laws? | yes |
| | Are medical and mental health practitioners required to inform residents of their duty to report, and the limitations of confidentiality, at the initiation of services? | yes |
| 115.361 (e) | Staff and agency reporting duties | |
| | Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the appropriate office? | yes |
| | Upon receiving any allegation of sexual abuse, does the facility head or his or her designee promptly report the allegation to the alleged victim's parents or legal guardians unless the facility has official documentation showing the parents or legal guardians should not be notified? | yes |
| | If the alleged victim is under the guardianship of the child welfare system, does the facility head or his or her designee promptly report the allegation to the alleged victim's caseworker instead of | yes |

| | | |
|--------------------|---|-----|
| | the parents or legal guardians? (N/A if the alleged victim is not under the guardianship of the child welfare system.) | |
| | If a juvenile court retains jurisdiction over the alleged victim, does the facility head or designee also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation? | yes |
| 115.361 (f) | Staff and agency reporting duties | |
| | Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? | yes |
| 115.362 (a) | Agency protection duties | |
| | When the agency learns that a resident is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the resident? | yes |
| 115.363 (a) | Reporting to other confinement facilities | |
| | Upon receiving an allegation that a resident was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? | yes |
| | Does the head of the facility that received the allegation also notify the appropriate investigative agency? | yes |
| 115.363 (b) | Reporting to other confinement facilities | |
| | Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? | yes |
| 115.363 (c) | Reporting to other confinement facilities | |
| | Does the agency document that it has provided such notification? | yes |
| 115.363 (d) | Reporting to other confinement facilities | |
| | Does the facility head or agency office that receives such notification ensure that the allegation is investigated in | yes |

| | | |
|------------------------|--|-----|
| | accordance with these standards? | |
| 115.364 (a) | Staff first responder duties | |
| | Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? | yes |
| | Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? | yes |
| | Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? | yes |
| | Upon learning of an allegation that a resident was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? | yes |
| 115.364 (b) | Staff first responder duties | |
| | If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? | yes |
| 115.365 (a) | Coordinated response | |
| | Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? | yes |
| 115.366 (a) | Preservation of ability to protect residents from contact with abusers | |

| | | |
|--------------------|--|-----|
| | Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? | yes |
| 115.367 (a) | Agency protection against retaliation | |
| | Has the agency established a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff? | yes |
| | Has the agency designated which staff members or departments are charged with monitoring retaliation? | yes |
| 115.367 (b) | Agency protection against retaliation | |
| | Does the agency employ multiple protection measures for residents or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations, such as housing changes or transfers for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services? | yes |
| 115.367 (c) | Agency protection against retaliation | |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report | yes |

| | | |
|--------------------|---|-----|
| | of sexual abuse, does the agency: Act promptly to remedy any such 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: Any resident disciplinary reports? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor: Resident housing changes? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor: Resident program changes? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor: Negative performance reviews of staff? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor: Reassignments of staff? | yes |
| | Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? | yes |
| 115.367 (d) | Agency protection against retaliation | |
| | In the case of residents, does such monitoring also include periodic status checks? | yes |
| 115.367 (e) | Agency protection against retaliation | |
| | If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation? | yes |
| 115.368 (a) | Post-allegation protective custody | |
| | Is any and all use of segregated housing to protect a resident who is alleged to have suffered sexual abuse subject to the requirements of § 115.342? | yes |

| | | |
|------------------------|--|-----|
| 115.371 (a) | Criminal and administrative agency investigations | |
| | When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).) | yes |
| | Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency does not conduct any form of administrative or criminal investigations of sexual abuse or harassment. See 115.321(a).) | yes |
| 115.371 (b) | Criminal and administrative agency investigations | |
| | Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations involving juvenile victims as required by 115.334? | yes |
| 115.371 (c) | Criminal and administrative agency investigations | |
| | Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? | yes |
| | Do investigators interview alleged victims, suspected perpetrators, and witnesses? | yes |
| | Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? | yes |
| 115.371 (d) | Criminal and administrative agency investigations | |
| | Does the agency always refrain from terminating an investigation solely because the source of the allegation recants the allegation? | yes |
| 115.371 (e) | Criminal and administrative agency investigations | |
| | When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? | yes |
| 115.371 | Criminal and administrative agency investigations | |

| | | |
|--------------------|---|-----|
| (f) | | |
| | Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as resident or staff? | yes |
| | Does the agency investigate allegations of sexual abuse without requiring a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? | yes |
| 115.371 (g) | Criminal and administrative agency investigations | |
| | Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? | yes |
| | Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? | yes |
| 115.371 (h) | Criminal and administrative agency investigations | |
| | Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? | yes |
| 115.371 (i) | Criminal and administrative agency investigations | |
| | Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? | yes |
| 115.371 (j) | Criminal and administrative agency investigations | |
| | Does the agency retain all written reports referenced in 115.371(g) and (h) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention? | yes |
| 115.371 (k) | Criminal and administrative agency investigations | |
| | Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the facility or agency | yes |

| | | |
|------------------------|---|-----|
| | does not provide a basis for terminating an investigation? | |
| 115.371 (m) | Criminal and administrative agency investigations | |
| | When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.321(a).) | yes |
| 115.372 (a) | Evidentiary standard for administrative investigations | |
| | Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? | yes |
| 115.373 (a) | Reporting to residents | |
| | Following an investigation into a resident's allegation of sexual abuse suffered in the facility, does the agency inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? | yes |
| 115.373 (b) | Reporting to residents | |
| | If the agency did not conduct the investigation into a resident's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the resident? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) | na |
| 115.373 (c) | Reporting to residents | |
| | Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the resident's unit? | yes |
| | Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency | yes |

| | | |
|--------------------|--|-----|
| | 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? | |
| | Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? | yes |
| | Following a resident's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? | yes |
| 115.373 (d) | Reporting to residents | |
| | Following a resident's allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? | yes |
| | Following a resident's allegation that he or she has been sexually abused by another resident, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? | yes |
| 115.373 (e) | Reporting to residents | |
| | Does the agency document all such notifications or attempted notifications? | yes |
| 115.376 (a) | Disciplinary sanctions for staff | |
| | Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? | yes |

| | | |
|------------------------|---|-----|
| 115.376 (b) | Disciplinary sanctions for staff | |
| | Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? | yes |
| 115.376 (c) | Disciplinary sanctions for staff | |
| | Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? | yes |
| 115.376 (d) | Disciplinary sanctions for staff | |
| | Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies, unless the activity was clearly not criminal? | yes |
| | Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? | yes |
| 115.377 (a) | Corrective action for contractors and volunteers | |
| | Is any contractor or volunteer who engages in sexual abuse prohibited from contact with residents? | yes |
| | Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? | yes |
| | Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? | yes |
| 115.377 (b) | Corrective action for contractors and volunteers | |
| | In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with residents? | yes |

| | | |
|------------------------|--|-----|
| 115.378 (a) | Interventions and disciplinary sanctions for residents | |
| | Following an administrative finding that a resident engaged in resident-on-resident sexual abuse, or following a criminal finding of guilt for resident-on-resident sexual abuse, may residents be subject to disciplinary sanctions only pursuant to a formal disciplinary process? | yes |
| 115.378 (b) | Interventions and disciplinary sanctions for residents | |
| | Are disciplinary sanctions commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories? | yes |
| | In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied daily large-muscle exercise? | yes |
| | In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident is not denied access to any legally required educational programming or special education services? | yes |
| | In the event a disciplinary sanction results in the isolation of a resident, does the agency ensure the resident receives daily visits from a medical or mental health care clinician? | yes |
| | In the event a disciplinary sanction results in the isolation of a resident, does the resident also have access to other programs and work opportunities to the extent possible? | yes |
| 115.378 (c) | Interventions and disciplinary sanctions for residents | |
| | When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether a resident's mental disabilities or mental illness contributed to his or her behavior? | yes |
| 115.378 (d) | Interventions and disciplinary sanctions for residents | |
| | If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to offer the offending resident participation in such interventions? | yes |

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

| | | |
|--------------------|---|-----|
| | Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? | yes |
| 115.381 (d) | Medical and mental health screenings; history of sexual abuse | |
| | Do medical and mental health practitioners obtain informed consent from residents before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the resident is under the age of 18? | yes |
| 115.382 (a) | Access to emergency medical and mental health services | |
| | Do resident victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment? | yes |
| 115.382 (b) | Access to emergency medical and mental health services | |
| | If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do staff first responders take preliminary steps to protect the victim pursuant to § 115.362? | yes |
| | Do staff first responders immediately notify the appropriate medical and mental health practitioners? | yes |
| 115.382 (c) | Access to emergency medical and mental health services | |
| | Are resident victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? | yes |
| 115.382 (d) | Access to emergency medical and mental health services | |
| | Are treatment services provided to the victim without financial | yes |

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

| | | |
|--------------------|---|-----|
| | cooperates with any investigation arising out of the incident? | |
| 115.383 (h) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | Does the facility attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? | yes |
| 115.386 (a) | Sexual abuse incident reviews | |
| | Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? | yes |
| 115.386 (b) | Sexual abuse incident reviews | |
| | Does such review ordinarily occur within 30 days of the conclusion of the investigation? | yes |
| 115.386 (c) | Sexual abuse incident reviews | |
| | Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? | yes |
| 115.386 (d) | Sexual abuse incident reviews | |
| | Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? | yes |
| | Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? | yes |
| | Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? | yes |
| | Does the review team: Assess the adequacy of staffing levels in that area during different shifts? | yes |

| | | |
|--------------------|--|-----|
| | Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? | yes |
| | Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.386(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? | yes |
| 115.386 (e) | Sexual abuse incident reviews | |
| | Does the facility implement the recommendations for improvement, or document its reasons for not doing so? | yes |
| 115.387 (a) | Data collection | |
| | Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? | yes |
| 115.387 (b) | Data collection | |
| | Does the agency aggregate the incident-based sexual abuse data at least annually? | yes |
| 115.387 (c) | Data collection | |
| | Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? | yes |
| 115.387 (d) | Data collection | |
| | Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? | yes |
| 115.387 (e) | Data collection | |
| | Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents? (N/A if agency does not contract for | na |

| | | |
|------------------------|---|-----|
| | the confinement of its residents.) | |
| 115.387 (f) | Data collection | |
| | Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) | na |
| 115.388 (a) | Data review for corrective action | |
| | Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas? | yes |
| | Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis? | yes |
| | Does the agency review data collected and aggregated pursuant to § 115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? | yes |
| 115.388 (b) | Data review for corrective action | |
| | Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse? | yes |
| 115.388 (c) | Data review for corrective action | |
| | Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? | yes |
| 115.388 (d) | Data review for corrective action | |
| | Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when | yes |

| | | |
|--------------------|---|-----|
| | publication would present a clear and specific threat to the safety and security of a facility? | |
| 115.389 (a) | Data storage, publication, and destruction | |
| | Does the agency ensure that data collected pursuant to § 115.387 are securely retained? | yes |
| 115.389 (b) | Data storage, publication, and destruction | |
| | Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? | yes |
| 115.389 (c) | Data storage, publication, and destruction | |
| | Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? | yes |
| 115.389 (d) | Data storage, publication, and destruction | |
| | Does the agency maintain sexual abuse data collected pursuant to § 115.387 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? | yes |
| 115.401 (a) | Frequency and scope of audits | |
| | During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.) | yes |
| 115.401 (b) | Frequency and scope of audits | |
| | Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.) | 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 inmates, residents, and detainees? | yes |
| 115.401 (n) | Frequency and scope of audits | |
| | Were inmates, residents, and detainees permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? | yes |
| 115.403 (f) | Audit contents and findings | |
| | The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.) | yes |