

Prison Rape Elimination Act (PREA) Audit Report Adult Prisons & Jails

Interim Final

Date of Report April 6, 2020

Auditor Information

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Telephone: 225-302-0766	Date of Facility Visit: February 4-6, 2020

Agency Information

Name of Agency:		Governing Authority or Parent Agency (If Applicable):	
Federal Bureau of Prisons		US Department of Justice	
Physical Address: 320 First Street, NW		City, State, Zip: Washington, DC 20534	
Mailing Address: 320 First Street, NW		City, State, Zip: Washington, DC 20534	
The Agency Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input type="checkbox"/> State	<input checked="" type="checkbox"/> Federal

Agency Website with PREA Information:
https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp

Agency Chief Executive Officer

Name: Kathleen Hawk Sawyer (during audit) M.D. Carvajal (current Director)
Email: BOP-CPD/PREACoordinator@bop.gov Telephone: 202-616-2112

Agency-Wide PREA Coordinator

Name: Jill Roth	
Email: BOP-CPD/PREACoordinator@bop.gov	Telephone: 202-616-2112
PREA Coordinator Reports to: Hugh J. Hurwitz, Assistant Director, Reentry Services Division	Number of Compliance Managers who report to the PREA Coordinator 0

Facility Information

Name of Facility: FPC Yankton

Physical Address: 1016 Douglas Avenue

City, State, Zip: Yankton, SD 57078

Mailing Address (if different from above):
PO Box 680

City, State, Zip: Yankton, SD 57078

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Type:

Prison

Jail

Facility Website with PREA Information:

https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp

Has the facility been accredited within the past 3 years? Yes No

If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):

ACA

NCCHC

CALEA

Other (please name or describe: [Click or tap here to enter text.](#))

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:
Operational and Program Reviews, EMS 2nd Party, Occupational Safety Compliance

Warden/Jail Administrator/Sheriff/Director

Name: Jason Cox, Warden

Email:
YAN/PREAComplianceMgr@bop.gov

Telephone: 605-665-3262

Facility PREA Compliance Manager

Name: John Jury

Email:
YAN/PREAComplianceMgr@bop.gov

Telephone: 605-665-3262

Facility Health Service Administrator

Name: Christina Woehl

Email:
YAN/PREAComplianceMgr@bop.gov

Telephone: 605-665-3262

Facility Characteristics

Designated Facility Capacity:	684	
Current Population of Facility:	488	
Average daily population for the past 12 months:	489	
Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males	
Age range of population:	20 - 78	
Average length of stay or time under supervision:	109 months	
Facility security levels/inmate custody levels:	Minimum Security with Out and Community Custody	
Number of inmates admitted to facility during the past 12 months:	235	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	235	
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:	235	
Does the facility hold youthful inmates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):</p>	<input checked="" type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: Click or tap here to enter text. <input type="checkbox"/> N/A	
Number of staff currently employed by the facility who may have contact with inmates:	102	

Number of staff hired by the facility during the past 12 months who may have contact with inmates:	14
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	21
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	21
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	18
Physical Plant	
<p>Number of buildings:</p> <p>Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	14
<p>Number of inmate housing units:</p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	2
Number of single cell housing units:	0
Number of multiple occupancy cell housing units:	1 (SHU)
Number of open bay/dorm housing units:	3
Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):	3
In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Medical and Mental Health Services and Forensic Medical Exams

Are medical services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are mental health services provided on-site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Where are sexual assault forensic medical exams provided? Select all that apply.	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.)

Investigations

Criminal Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:	0
When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.	<input type="checkbox"/> Facility investigators <input type="checkbox"/> Agency investigators <input checked="" type="checkbox"/> An external investigative entity
Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input checked="" type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input type="checkbox"/> N/A

Administrative Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?	253
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply	<input checked="" type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: Click or tap here to enter text.) <input checked="" type="checkbox"/> N/A

Audit Findings

Audit Narrative

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-onsite audit, onsite audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

The Federal Prison Camp, Yankton, South Dakota (YAN) is located at 1016 Douglas Avenue, Yankton, SD 57078. YAN is participating in the Prison Rape Elimination Act (PREA) audit conducted by a certified Department of Justice PREA auditor. The on-site portion of the audit was conducted at the address stated above during the period of February 4-6, 2020. The assigned PREA auditor is an independent sub-contractor, working for the primary contract holder from the Federal Bureau of Prisons. Following coordination preparatory work and collaboration with the assigned BOP Management Analyst (BOP MA), some pre-audit work was completed prior to traveling to the facility for the on-site review portion of the Prison Rape Elimination Act (PREA) audit.

On the first day of the audit the inmate count was 488, with a designated capacity of 684. YAN reported the average length of stay is 109 months.

PRE-AUDIT PHASE

On January 2, 2020 the Auditor received an email from the assigned BOP Management Analyst (BOP MA), introducing himself as the point of contact for all things related to this audit. The email contained information on how to reach him, as well as the first set of attachments and documentation for the facility.

January 3, 2020, the Auditor received photos of the posted audit notices, in English and Spanish. The pictures reflected a date stamp of December 27, 2019, indicating the date they were taken with the posted upcoming audit information in their assigned position. The posted notices were observed in the photographed locations, as well as numerous other locations, during the on-site audit tour. Later that same day the completed Pre-Audit Questionnaire (PAQ) was provided to the Auditor, along with all the agency and facility policies and files relative to the PREA standards.

January 3, 2020 the Auditor reached out to the BOP MA confirming receipt of the PAQ and supporting documentation. The Auditor made the BOP MA aware of the possibility of a *Pre-Audit Issue Log* and what that would entail. It was agreed the *Pre-Audit Issue Log*, if needed, would be provided to the BOP MA no later than January 24, 2020. It was also confirmed all mail being sent out from the facility as a result of the audit notice postings, would be treated as legal mail, for the sake of confidentiality.

January 14, 2020 the PREA Compliance Manager (PCM) from YAN emailed me to introduce himself. Through email correspondence we discussed logistics of what I, as an auditor, would

need while at YAN, such as office space, computer, phones and any other things that would be needed to ensure a smooth audit. Additionally, we went over logistics, such as unimpeded access to the facility, audit goals, timelines and milestones. The entrance briefing was scheduled for 7:30am, February 4, 2020, the first day of the on-site audit.

Following a review by the Auditor of the PAQ and supporting documentation, a *Pre-Audit Issue Log* was created, identifying gaps or items that had not been included, or needed further clarification from the information received. The *Pre-Audit Issue Log* was submitted to YAN January 16, 2020, with instructions to provide all requested items to the Auditor upon arrival at YAN.

On February 2, 2020 the BOP MA returned the *Pre-Audit Issue Log* with the facility issues or questions answered. He stated he would get the agency information and get back to me during the on-site audit.

Pre-Audit Section of the Compliance Tool: On January 3, 2020, the BOP MA provided the completed pre-audit questionnaire, including supporting documentation, to the Auditor. Upon receipt, the Auditor completed the audit Section of the Auditor Compliance Tool (ACT) by transferring information from the pre-audit questionnaire and supporting documentation to the pre-audit section of the compliance tool.

It should be noted that YAN has had two previous PREA audits. They received their Final Report on September 22, 2014 for their first PREA on-site which occurred September 16-18, 2014. They received their Final Report on June 30, 2017, for their last PREA on-site which occurred June 13-15, 2017.

There were no barriers in completing the audit. The staff whom the Auditor encountered, were prepared, cordial and accommodating. The Federal Bureau of Prisons (FBOP) as an agency, which includes YAN, chose to utilize the paper audit instrument, rather than the Online Audit System (OAS).

ON-SITE PHASE

February 4, 2020, the Auditor arrived at YAN and participated in an entrance meeting. The following people attended the entrance meeting: Warden, Associate Warden (AW), Chief Psychologist, Captain, Human Resource Manager (HRM), Unit Secretary, Computer Services personnel, BOP MA, the American Correctional Association (ACA) audit team and three-person FBOP Program Review team. During the meeting the agenda was discussed, specifically the facility tour. Staff and inmate interviews, as well as document reviews were discussed. In addition, the audit process, timelines and expectations were discussed, which included the implementation and utilization of the PREA Auditor Handbook and possible corrective action. The primary points of contact for the on-site audit were the Chief Psychologist and the PREA Compliance Manager (PCM).

Upon arrival at YAN the Auditor received an alphabetized copy of the staff roster, including custody staff as well as those in management and specialized positions, designating the role and shift of each staff member. The Auditor also received a copy of the current inmate roster,

including identification numbers, housing assignments and which inmates were part of targeted populations as defined in the PREA Auditor Handbook.

YAN custody staff work (8) eight-hour shifts, (5) five days a week. Each staff roster was utilized to create a list of staff randomly for interviews. The only selection criteria used for staff were individuals with specialized position, individuals working the days of the on-site audit and finally at least one individual from each shift was chosen. Otherwise the staff selections were completely random with no pattern whatsoever. The interview list that was created did not specifically identify which staff were in which category for interviewing purposes, except specialized positions.

The Auditor had previously requested a listing of staff classified into the following categories:

- Complete alpha staff roster including position or rank
- Complete alpha roster of staff promoted over the past 12 months
- Complete alpha roster of new staff in past 12 months
- Complete list of investigative staff who conduct sexual abuse investigations, for internal and external investigations
- Complete list of contractors who have contact with inmates assigned to YAN
- Complete list of volunteers who have contact with inmates assigned to YAN

Each inmate roster was utilized to create a list of inmates randomly selected for interviews. The only selection criteria used for inmates was housing unit or if they fell into a targeted population. One inmate name listed for each letter of the alphabet on the roster was selected from each housing unit. From this pool of names, the random inmates were chosen ensuring diversity in age and race. Otherwise the inmate selections were completely random with no pattern whatsoever. The interview list that was created did not specifically identify which inmates were in which category for interviewing purposes, except targeted inmates.

The Auditor had previously requested a listing of inmates classified into the following categories:

- Disabled Inmates
- Limited English Proficient Inmates
- Inmates Identified as LGBTI
- Inmates in Segregated Housing or Isolation
- Inmates who Reported Sexual Abuse
- Inmates who Reported Sexual Victimization during Risk Screening

Note: YAN reported it does not house youthful inmates. This was confirmed on the first day of the audit by a review of the YAN inmate roster, as well as a visual inspection of the housing unit and facility, and no youthful inmates were present.

In addition to the inmate and staff lists the Auditor requested and subsequently received the following listed items:

- All grievances made in the 12-months preceding the audit which claim allegations of sexual abuse, sexual harassment or retaliation.

- All incident reports from the 12-months preceding the audit which are related to allegations of sexual abuse, sexual harassment or retaliation.
- All allegations of sexual abuse and sexual harassment reported for investigation in the 12-months preceding the audit, whether Substantiated, Unsubstantiated or Unfounded.
- All hotline calls made during the 12-months preceding the audit.

The YAN PREA Compliance Manager (PCM) provided the information requested, and a review of all information was conducted by the Auditor. During the past 12-months there have been a total of two (2) grievances made which claim allegations of sexual abuse, sexual harassment or retaliation. One (1) allegation was for Sexual Abuse and one (1) allegation was for Sexual Harassment.

The Auditor reviewed documentation that indicated during the past 12-months there were a total of two (2) sexual abuse and sexual harassment grievances filed. Of those grievances, both were reported by the inmate (victim). One (1) was for sexual abuse and (1) one was for sexual harassment. One (1) allegation was Staff-on-Inmate, Sexual Abuse, while at YAN; (1) one alleged Staff-on-Inmate Sexual Harassment, while at YAN. The documentation review included the original complaint, the referral for investigation, referrals for mental health, and all subsequent available paperwork.

After the investigation, the Staff-on-Inmate Sexual Abuse while at YAN was determined unsubstantiated and closed. The Staff on Inmate Sexual Harassment, while at a YAN was determined unfounded and closed.

During the past 12-months there were no PREA Hotline calls made to report sexual abuse or sexual harassment. YAN provided a statement of non-occurrence for hotline calls during 2019.

Additional information received provided an overview of the Administrative and Criminal cases, including their status. During the past 12-months there have been a total of 2 cases; both administrative. Both cases have been closed.

An extensive amount of internet research was conducted regarding YAN and little information was recovered. There were a few news articles reporting the desire of former Attorney General, Jeff Sessions, to close YAN and other free-standing prison camps. There was no information at all regarding lawsuits, civil rights issues, security issues, sexual abuse or sexual harassment, or sexual violence. There was not a shred of information discovered during the research portion of the audit to suggest an unhealthy correctional environment within the YAN. The agency website was reviewed for PREA information, which was found as required.

During the research to prepare for this audit, the Auditor learned South Dakota law requires individuals in the medical and mental health professions and employees or entities that have ongoing contact with and exposure to elders and adults with disabilities, to report knowledge or reasonable suspicion of abuse, neglect or exploitation of elders and adults with disabilities.

As a result of the posted audit notices, the Auditor received two (2) letters from inmates at the facility prior to arrival. Both inmates were placed on the interview list.

On-site Review: Following the entrance meeting, the Auditor conducted a thorough on-site tour of all areas of the facility. There are three (3) housing units of the facility, containing a total of 624 beds. There are (12) twelve beds in the Special Housing Unit, that houses inmates who have been moved from general population for to placement in either administrative detention or disciplinary segregation status. The Lloyd Unit is a 262-bed general population minimum security inmate unit. The Durand Unit has 57 rooms with multiple beds in each room. The Kingsbury unit was off-line and not being used at the time of the audit. Within each housing unit there is a dedicated phone area, computer room(s), laundry and bathroom.

Additional areas were the kitchen, inmate dining room, staff dining room, inmate canteen, administrative offices, staff officer stations, control center, library, classrooms, computer rooms, sewing room, medical area, dental area, intake processing area, groups therapy rooms, visiting area, gymnasium, weight rooms, music rooms, programming areas, and storage closets.

During the tour of the facility, the Auditor interacted informally and conversationally with staff and inmates, noted the placement and coverage of surveillance cameras, inspected bathrooms, showers and toilets to identify potential cross gender viewing concerns, checked for blind spots, observed staff to inmate ratios, etc.

During the on-site tour, two telephones from each inmate phone bank area were tested. Each telephone that was tested was in working order and could call out to the local PREA Hotline at 605-665-1448, as well as the National Sexual Abuse Hotline at 1-800-656-4673. Both provided sufficient time to leave a detailed message to follow-up and never required personal identifying information. Additionally, YAN has a language line for interpreter services, that is used when a staff member is not available who is bilingual.

During the on-site tour, two computers in each computer room were tested. Each computer that was tested was able to send a PREA related email through The Trust Fund Limited Inmate Computer System (TRULINCS). TRULINCS allows inmates to send and receive electronic messages, including PREA concerns, without having access to the Internet.

During the on-site tour inmates were observed in a classroom taking a Horticulture class, multiple inmates were observed in the library, a RDAP group meeting was observed, an inmate was observed recording a book for the blind of South Dakota in a sound proof studio, food service workers were observed preparing lunch, inmates involved in the dog program were observed working and training their assigned dogs.

In all inmate areas, the Auditor assessed the level of staff supervision, by asking questions about who was assigned to a specific post or staff position, reviewing staffing rosters, and asking informal questions to determine whether inmates were in positions of supervision over other inmates. When opposite-gender staff were observed entering a housing unit, an announcement was always made by the respective staff member. Prior to opposite-gender staff entering into a bathing area, the announcement was made multiple times, with a lengthy pause before staff entered the area. In all cases if a response was made from within, no entrance was made until the inmate had completed their purpose. If no response was received after several

announcements, a sufficient amount of time was waited prior to entrance. During the interviews, several inmates indicated some of the female staff will not enter the bathing areas under any circumstances and will always defer that responsibility to a male staff member.

During the on-site audit, the Auditor was able to sit with a classification staff member responsible for conducting the Intake Screening and subsequently review classification screening documents. This staff member was able to guide the Auditor through the intake screening process, by modeling the process that each inmate is required to participate in during the initial screening and ongoing classification processes. The classification staff member discussed each of the documents and assessments utilized as we proceeded through the processes. The classification staff also modeled each of the questions, providing the Auditor with a clear and thorough understanding of the overall intake and classification process.

Throughout the on-site review, the Auditor discussed what was being observed and reviewed, there were no discrepancies identified. When the Auditor would seek clarification, appropriate responses were always provided, or proper procedures were demonstrated by staff on hand.

PREA Management Interviews: During the audit period, the Auditor conducted on-site interviews with the following members of the management team:

- Facility Head or designee - Associate Warden (AW)
- PREA Compliance Manager (PCM)
- Chief of Psychology

It should be noted the Associate Warden is also the PREA Compliance Manager. In this report when an interview with the Associate Warden is cited, it is an interview with this individual, in his role as the facility head designee, using that specific interview protocol. When an interview with the PREA Compliance Manager is cited, it is an interview with this individual in his role as the PREA Compliance Manager, using that specific interview protocol.

As a result of logistics, the Auditor was unable to conduct in-person interviews with the following members of the management team:

- Agency Head (AH)
- National PREA Coordinator (NPC)
- Agency Contract Administrator
- SAFE/SANE Nursing Staff
- Victim Advocates

These interviews were conducted telephonically or through written statements. Each of their remarks are documented and presented in this report. Each of these individuals were interviewed using the applicable interview protocols, and responses were recorded by hand.

All in-person interviews occurred in a private office adjacent to the Warden's conference room. The Auditor conducted the following number of Staff interviews:

Category of Staff	
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	Numbers of Interviews Conducted
Random Staff (Total)	13
Management Level Staff (Total)	3
Specialized Staff (Total)	20
Total Interviewed	36
Breakdown of Specialized Staff Interviews	
• Agency Head (or designee)	1
• Agency PREA Coordinator	1
• Facility Head	1
• Facility PREA Compliance Manager	1
• Agency Contract Administrator	1
• Intermediate or Higher Staff	4
• Non-Medical-Staff-Cross-Gender Strip/Visual Body Cavity Searches	1
• Intake Staff	2
• Classification Staff	1
• Medical Staff	1
• Mental Health Staff	1
• SAFE/SANE Nursing Staff	1
• Volunteers/Contractors with Inmate Contact	2
• Investigative Staff – Facility Level	1
• Staff who perform screening for risk of victimization and abusiveness	2
• Incident Review Team Member	3
• HR Staff	1
• Mailroom Staff	1
• Food Service Staff Supervising Inmates	1
• Monitor(s) of Retaliation	1
• First Responder (Custody/Non-Custody)	2
• Inmate Disciplinary Hearing Staff	1
• Maintenance Staff Supervising Inmates	1

Note: in several instances a single person was responsible for covering two (2) separate protocols, i.e. First responder/Intermediate or higher staff, Intake staff/Monitor for retaliation, Intake staff/Screening for risk of victimization and abusiveness, etc.

Specialized Staff Interviews: Using the list of specialized staff received from the PCM, the Auditor was able to interview individual specialized staff. Every specialized staff member working the days of the on-site audit were interviewed. The Chief Psychologist was given a list of staff to be interviewed and he would arrange for them to come to the private office provided for conducting interviews. During these interviews, the Auditor based the line of questioning on the interview protocols and recorded the responses by hand. The Auditor would provide clarification as

needed, in order to guarantee the questions were understood, ensuring clear responses to enable accurate determinations of compliance with applicable standards.

During interviews with specialized staff, the Auditor learned PREA investigations can be initiated in several ways: the computer TRULINCS system can be used to report PREA incidents electronically, "confidential" letters can be mailed out of the facility, through PREA hotline calls (1-800-656-4673) or (605-665-1448), third party reporting, or through notifying a staff member. Depending on whether the PREA complaint is classified as Administrative or Criminal determines who will be assigned to investigate. In the event the complaint is categorized as inmate-on-inmate sexual harassment, it is assigned to the facility PCM for follow-up. If during the investigation it is determined a criminal act has occurred, the administrative investigation stops, and the complaint is immediately turned over to the FBI or the Office of the Inspector General (OIG).

Random Staff Interviews: There are 102 total staff positions allocated at YAN. A total of 36 staff members were interviewed, thirteen (13) were random staff selected from all three shifts, three (3) were management staff and twenty (20) were specialized staff. The random staff were selected by choosing one (1) staff member from each department or housing unit who were present the days of the audit. The Chief Psychologist was given a list of staff to be interviewed and he would arrange for them to come to the private office provided for conducting interviews. The Auditor would introduce herself, communicate the introductory statement to the staff and proceed to ask the questions from the interview protocol for random staff, recording all answers by hand. The Auditor would provide clarification as needed, in order to guarantee the questions were understood, ensuring clear responses to enable accurate determinations of compliance with applicable standards.

Work shifts for custody staff are:

- 1st shift: 0600 – 1400 hours
- 2nd shift: 1400 – 2200 hours
- 3rd shift: 2200 – 0600 hours

Non-custody staff work similar variations of the three shifts. Administrative staff work 8:00am to 5:00pm, Monday through Friday.

YAN offers the inmate population a variety of volunteer program services, ranging from Support Groups to numerous community religious organizations, with a list of 18 volunteers. The schedule of volunteers varies upon whether their program is daily, weekly, semi-monthly or monthly. The Auditor conducted (1) one formal interview with a volunteer, who was present at the facility during the audit. She confirmed she had been trained in PREA. She reported she was aware of the zero-tolerance policy, the responsibilities in the prevention of sexual abuse and sexual harassment and reporting requirements relative to PREA.

The only contractors who have any contact with the inmate population are directly associated with the medical and dental services provided at the facility. These 21 contract staff members are provided specific PREA training as it relates to health care providers, in addition to the BOP specific PREA training. The Auditor conducted (1) one interview with contract dental staff. He

was chosen because he was at the facility and available for an interview the last day of the audit. This interview provided a comprehensive overview of the dental processes and inmates workers involved in the dental program.

All in-person interviews occurred in a private office adjacent to the Warden’s conference room. The Auditor conducted the following number of inmate interviews:

Category of Inmates	Number of Interviews Conducted
Random Inmates (Total)	18
Targeted Inmates (Total)	14
Total Inmates Interviewed	32
Breakdown of Targeted Inmate Interviews	
• Inmates who reported sexual abuse	2
• Inmates who disclosed prior sexual victimization during risk screening	6
• Inmates who identify as Lesbian, Gay or Bisexual	1
• Inmates who identify as Transgender or Intersex	0
• Inmates in segregated housing for risk of sexual victimization	0
• Inmates with physical disability, blind, deaf, hard of hearing, LEP	3
• Inmates with cognitive disability	2

Random Inmate Interviews: The institutional count the first day of the on-site audit was 488. The Auditor used the alphabetical housing unit rosters of inmates to randomly select inmates from various age groups, ethnicities and races. The Auditor chose one inmate name listed for each letter of the alphabet on the roster from Durand and Lloyd Housing units, as well as the Special Housing Unit. From this pool of names, the random inmates were chosen ensuring diversity in age and race. Each inmate was put on “call-out” with a time to report to the private office designated for interviews.

During the on-site tour, the Auditor had several conversational encounters with inmates regarding sexual safety, including education, reporting, communication, responses, etc. This information was used to supplement the overall audit information gathering process. A total of (18) eighteen formal random inmate interviews were conducted with inmates in varying custody levels.

As a result of the audit notice posting the Auditor did not receive correspondence from any random inmates.

At the beginning of each interview the Auditor made clear to the inmate why she was at the facility, what her role was in the PREA process and explained why interviews were needed. The Auditor also discussed the inmate's participation as voluntary and while helpful, was not required or mandated in any way. The Auditor then asked the inmate if he wanted to participate and if so, could she ask him a few questions. The Auditor would then ask the protocol questions. All random inmates willing participated in the interview process. All responses were recorded by hand.

During the random interviews, no PREA issues were revealed, no other interview protocols were accessed. All random inmates responded they were aware of the zero-tolerance policy, they knew how to report an incident, they felt they could report anonymously, they knew they had a right to be free from retaliation, and they felt the staff at YAN took PREA issues very seriously.

In regard to personal safety at YAN, every random inmate interviewed stated he felt safe from Sexual Harassment and Sexual Abuse.

Targeted Inmate Interviews: YAN reported a total of twenty-one (21) inmates in the targeted categories. From the reported twenty-one (21) designated as targeted inmates based upon specific PREA standards, the Auditor conducted a total of (14) fourteen interviews. Out of the (7) targeted categories, there were inmates who fell into five (5) categories. The inmates were chosen by selecting every other name on their respective targeted lists. If the list had only one (1) or two (2) names on it, the entire list was interviewed. There was one (1) inmate who identified as gay, three (3) Limited English Proficient, two (2) with a cognitive disability, six (6) who disclosed prior sexual victimization during risk screening, and two (2) inmates who reported sexual abuse. Once selected each inmate was put on "call-out" with a time to report to the private office designated for interviews.

YAN reported there were no inmates who 1. identified as transgender or intersex, or 2. in segregated housing for risk of sexual victimization. The information the Auditor gained from the facility tour, informal conversations with inmates and staff, as well as formal interviews with staff and inmates supported this assertion.

As a result of the PREA audit posting the Auditor received correspondence from two (2) inmates in a targeted group. These two (2) inmates were included in the interview list. The auditor reviewed the two inmates' files and interviewed both inmates. Both cases had been appropriately handled. All timelines had been met. Appropriate notices had been given. One was determined to be unsubstantiated and one was determined to be unfounded. Both cases had been closed. In the case of the unsubstantiated case 90 days retaliation monitoring had been completed. In the case determined to be unfounded, no retaliation monitoring took place.

At the beginning of each interview the Auditor made clear to the inmate why she was at the facility, what her role was in the PREA process and explained why interviews were needed. The Auditor also discussed the inmate's participation as voluntary and while helpful, was not required or mandated in any way. The Auditor then asked the inmate if he wanted to participate and if so,

could she ask him a few questions. The Auditor would then ask the random protocol questions followed by the specific targeted protocol questions. All responses were recorded by hand. Four (4) targeted inmates declined to be interviewed.

In regard to personal safety at YAN, of the 32 inmates interviewed, 28 reported they felt safe from Sexual Harassment and Sexual Abuse. All of the four (4) who reported concerns for their safety, reported concerns about specific individuals (staff or inmate), and did not feel there was an unsafe culture within YAN. With the verbal permission of the inmates, the cases of the four (4) who expressed concerns were discussed with the Chief Psychologist and the PCM to make them aware.

Document Reviews:

A thorough review of the Federal Bureau of Prisons (FBOP), as well as the facility specific policies were included in all three (3) phases of the audit: Pre-Audit, On-Site portion and Post-Audit.

Prior to conducting the onsite visit to the facility, the Auditor requested the facility identify a comprehensive list of inmates, staff, volunteers and contractors along with relevant facility records to determine the universe of information from which the Auditor would sample during the onsite portion of the PREA audit. From these lists, the Auditor selected representative samples for interviews (i.e., inmate and staff) and document reviews during the onsite portion of the audit. The list requested by the Auditor in the pre-onsite audit phase is listed below:

1. Alpha listing of all inmates
2. Roster of Inmates with disabilities (i.e., physical disabilities, hard of hearing, deaf, blind, & cognitive disabilities).
3. Roster of inmates who are Limited English Proficient (LEP)
4. Roster of inmates in segregated housing or isolation
5. Roster of inmates who are or perceived to be Lesbian, Gay or Bisexual
6. Roster of inmates who are or perceived to be Intersex or Transgender
7. Roster of inmates who reported prior sexual victimization during risk screening
8. Roster of inmates who reported sexual abuse that occurred in YAN or a different facility
9. Complete alpha staff roster including position or rank
10. Complete alpha roster of staff promoted over the past 12 months
11. Complete alpha roster of new staff in past 12 months
12. Complete list of investigative staff who conduct sexual abuse investigations, for internal and external investigations
13. Complete list of contractors who have contact with inmates assigned to YAN
14. Complete list of volunteers who have contact with inmates assigned to YAN
15. Copies of all files of Sexual Abuse and Sexual Harassment Investigations conducted in the past 12 months in the YAN
16. Copies of all grievances submitted over the past 12 months which claim allegations sexual abuse, sexual harassment or retaliation, including:
 - o Total number of allegations
 - o Number determined to be Substantiated, unsubstantiated or unfounded

- Number of cases in progress
 - Number of criminal cases investigated
 - Number of administrative cases investigated
 - Number of criminal cases referred to prosecution; number indicted; number convicted; number acquitted
17. List of all hotline calls made in the 12 months preceding the audit
 18. List of all 3rd party reports of inmate sexual abuse, sexual harassment or retaliation
 19. Copies of all incident review team cases conducted over the past 12 months
 20. List of SAFE/SANE individuals to include name of facility, address, telephone number and email address
 21. List of community-based advocacy organization(s) utilized by YAN

The facility provided the Auditor the requested list of documents, files and records. From this information, the Auditor selected and reviewed a variety of files, records and documents summarized in the following table and discussed in detail below:

Name of Record	Total Number of Records	Number Sampled and Reviewed
Personnel Records	102	25
Training Files	102	25
Inmate Records	488	21
Grievances	2	2
Incident Reports	2	2
Investigation Records (SA and SH)	2	2

Personnel and Training Files:

There was a total of (25) twenty-five record reviews conducted on staff from various categories, including employees hired in the past 12 months and employees promoted in the past 12 months. The twenty-five (25) files were selected by choosing the files of all fourteen (14) new hires in the past twelve (12) months; three (3) newly promoted employees and the remaining eight (8) were randomly picked out of the remaining employees. All of the files contained all of the required documentation, i.e. initial criminal history check, administrative adjudication, initial PREA education with acknowledgment form signed, PREA annual training and five-year criminal history check, when applicable.

Inmate Records:

There were (21) twenty-one inmate files, chosen randomly from the master roster, with arrival dates varying throughout the previous 12 months, with attention given to try to have at least one file for an inmate who arrived in each month of the past 12 calendar months. All (21) twenty-one files had a signed acknowledgment sheet, had received an orientation booklet, PREA brochure and viewed the PREA video. All (21) twenty-one inmates had received PREA information during intake, had their PREA screening within 72 hours of admission, were reassessed within 30-days arrival and had comprehensive PREA education within 30-days of intake.

Grievances:

On the PAQ, YAN indicated they had two (2) grievances for alleged sexual abuse and harassment in the past 12-months. The facility PCM provided grievances for (2) two allegations of sexual abuse, sexual harassment or retaliation. One (1) was for sexual abuse and one (1) was for sexual harassment.

The Auditor reviewed documentation that indicated during the past 12-months there were a total of (2) two sexual abuse and sexual harassment grievances filed. One (1) was for sexual abuse and one (1) was for sexual harassment. Both were filed by the inmate (victim) and both alleged a staff-on-inmate violation.

The documentation review included the original complaint, the referral for investigation, referrals for mental health, and all subsequent available paperwork, including administrative remedy forms and responses where applicable. Both cases were investigated appropriately, and both were determined unsubstantiated. The inmates were given proper notice of the findings and the cases have been closed. However, one inmate continues to file Administrative Remedies in hopes of being transferred to a different facility within 500 miles of his release destination.

Incident Reports:

The PCM provided the Incident Report and Investigative report for the two (2) allegations received during the previous 12-months. These reports were reviewed using the PREA audit investigative records review tool to record the following information relative to each investigative report:

- Case# / ID
- Date of Allegation
- Date of Investigation
- Staff-or-Inmate-on-Inmate
- Sexual Abuse or Sexual Harassment
- Final Disposition
- Is Disposition Justified?
- Investigating Officers
- Notice Given to Inmate

Investigation Files:

Information received regarding the allegation of sexual abuse and sexual harassment indicate in the past 12-months (2) two allegations of sexual abuse and sexual harassment. One (1) was for sexual abuse and one (1) was for sexual harassment. Both allegations were Staff-on-Inmate violations while at YAN. Both allegations were unsubstantiated.

During the past 12-months there were no PREA Hotline calls made to report sexual abuse or sexual harassment. A statement of non-occurrence was provided by YAN confirming this.

Additional information received provided an overview of the Administrative and Criminal cases, including status. During the past 12-months there have been a total of two (2) cases; both were

administrative. The administrative cases were determined to be unsubstantiated and closed. There are no pending cases.

The Auditor scheduled the exit briefing with the Warden and his executive staff, which was conducted the final day of the audit, February 6, 2020. The Warden, Captain, Institution PCM, Chief Psychologist and BOP MA. During this exit briefing the executive staff members were provided with an overview of what had been observed and information about the interim or final report which is due no later than April 6, 2020.

The institution staff I encountered were extremely courteous, supportive and professional. Their combined demeanors and attitudes displayed a culture that is acutely aware of the significance of sexual safety and view the responsibility to protect inmates and staff from sexual victimization as a high priority.

POST-AUDIT PHASE

Following the on-site portion of the audit, all items were reviewed (facility tour notes, interview notes, support documents, etc.) and utilized in the compilation of the completed report.

Per PREA procedure, effective August 20, 2016, which is the first day of the first year of the second 3-year audit cycle, it is expected if an Auditor determines a facility does not meet one or more of the standards, this report will be considered an “interim report,” triggering a 180-day corrective action point, and the Auditor will include in the report recommendation(s) for any required corrective action, and shall jointly develop with the agency a corrective action plan to achieve compliance. The Auditor is required to “take necessary and appropriate steps to verify implementation of the corrective action such as reviewing updated policies and procedures or re-inspecting portions of the facility.” At the completion of the corrective action period, the Auditor has 30-days to issue a “final report” with final determinations. Section §115.404 (d) stated that “after the 180-day corrective action period ends, the Auditor shall issue a final determination as to whether the facility has achieved compliance with those standards requiring corrective action.” The final report is a public document that the agency is required to post on its website or otherwise make publicly available, should include a summary of actions taken during the corrective action period to achieve compliance.

This information was discussed with the Institutional PCM, Warden, BOP MA, Chief of Psychology, as well as the Captain.

Audit Section of the Compliance Tool: The Auditor reviewed onsite documentation, notes, staff and inmate interview notes, and site notes and began the process of completing the audit section of the compliance tool. The Auditor used the audit section of the compliance tool as a guide to determine which questions in which interview guide(s), which on-site documentation and notes from the onsite audit should be reviewed in order to determine compliance for each standard. After checking the appropriate “yes” or “no” boxes on the compliance tool for each provision of each standard, the Auditor completed the “overall determination” section at the end of the standard indication whether the facility’s policies, procedures and practices, exceeds, meets or does not meet each specific standard.

February 20, 2020 the River City Domestic Violence Center (RCDVC) and Just Detention International were emailed requesting information related to the sexual safety practices of YAN. A response was received from the Director of RCDVC stating “we have nothing to report”. A response was received from Just Detention International stating “a review of our database indicates that we have not received any information regarding the facility (FPC Yankton in South Dakota) in the past 12-months.”

Facility Characteristics

The auditor’s description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any Special Housing Units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

FPC Yankton (YAN) is located in Yankton, South Dakota, near the Nebraska state line and is part of the nationwide Federal Bureau of Prisons (FBOP). It is an adult male, minimum-security custody, facility with a maximum capacity of 684. YAN does not house youthful inmates.

YAN is classified as an all-male, minimum security facility. [REDACTED]

YAN is located in the southeastern corner of South Dakota, approximately 60 miles northwest of Sioux City, Iowa and 85 miles southwest of Sioux Falls, South Dakota. The town of Yankton is located on the Missouri River and borders Nebraska. YAN occupies a campus that was formally the site of Yankton College, which was the first institution of higher learning in the Dakotas. Yankton college closed in December 1984.

The FBOP took over the facility in 1988. YAN is currently on the historical registry, which limits the type and amount of renovations that can be made to the facility. There are three (3) general housing units in the facility. There are a variety of configurations in the housing units, to include large open bay dormitory style rooms with bunk beds and multi-bed smaller rooms. [REDACTED]

The Durand Unit is a 57 room, multiple bed per room, housing unit. It also houses offices for the Residential Drug Abuse Program (RDAP) and unit management staff, who work together to provide numerous programs to the inmate population. The Durand Unit was constructed in 1963, as a co-ed dormitory for the students of Yankton College. The Lloyd Housing unit is a general population unit of 262 beds in a large open bay dormitory style. The Lloyd building, constructed in 1970, was formerly the college library and study rooms. Both floors have been renovated into

inmate living quarters. The Kingsbury unit is a general population unit and the building was built in 1914. The Kingsbury unit was off-line and not being used at the time of the audit.

YAN offers non-emergency medical care, most of which is preventative in nature. There is no infirmary on the grounds, [REDACTED]

[REDACTED] The facility provides space for programming, food service, recreation, as well as administrative and support services. All areas of the facility were clean and well maintained.

Additional areas on the grounds include a kitchen, inmate dining room, staff dining room, inmate canteen, administrative offices, staff officer stations, laundry, library, classrooms, phone bank area, computer rooms, medical, intake processing area, visiting area, group therapy rooms, gymnasium, weight rooms, music rooms, and storage closets. [REDACTED]

[REDACTED] The camera locations are such that the facility is widely covered, yet inmates have a level of privacy during searches, stages of undress, toilet and shower use.

The facility grounds are well maintained and offer ample green space for inmates to spread out and get fresh air. The Auditor observed the area at both day and night. At night, with the lights on, it is amply lit for the safety of staff and inmates.

Summary of Audit Findings

The summary should include the number and list of standards exceeded, number of standards met, and number and list of standards not met.

Auditor Note: No standard should be found to be “Not Applicable” or “NA”. A compliance determination must be made for each standard.

Standards Exceeded

Number of Standards Exceeded: 5

List of Standards Exceeded: 115.11, 115.13, 115.31, 115.34, 115.65

Standards Met

Number of Standards Met: 40

Standards Not Met

Number of Standards Not Met: 0

List of Standards Not Met: N/A

PREVENTION PLANNING

Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

All Yes/No Questions Must Be Answered by The Auditor to Complete the Report

115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? Yes No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? Yes No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? Yes No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? Yes No
- 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 No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) Yes No 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.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- YAN, *Admission and Orientation Handbook*, dated March 2015, pp. 64-67.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 13-14.
- FBOP Program Statement (PS) 5270.09, *Inmate Discipline Program*, dated July 8, 2011, Prohibited Acts, Table 1
- FBOP Program Statement (PS) 3420.11, *Standards of Employee Conduct*, dated 12/6/2013, pp. 6-7.
- FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019.
- Interviews with the following:
 - National PREA Coordinator (NPC)
 - PREA Compliance Manager (PCM)

Provision (a)

The Pre-Audit Questionnaire (PAQ) indicates YAN has zero-tolerance as it relates to all forms of sexual abuse or sexual harassment in the institution, as well as any contracts over which it has control. The PAQ states the policy outlines how the facility will implement prevention, detection and response to sexual abuse and sexual harassment. It further asserts the policy includes clear definitions of prohibited behaviors and approved sanctions for participation in those behaviors.

The agency has numerous policies and procedures relative to this provision. FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 13, section 115.11(a), specifically asserts the zero-tolerance policy. FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, p. 2, outlines the zero-tolerance policy against sexual abuse and sexual harassment.

YAN, *Admission and Orientation Handbook*, dated March 2015, pp. 64-67, addresses the FBOP zero tolerance policy against sexual abuse and sexual harassment. The handbook also lists the definitions describing prohibited behaviors in relation to sexual abuse and sexual harassment. Policy language is specific in providing the definitions of inappropriate behavior, how to report and the investigative process.

Additionally, policy language outlines staff responsibilities, procedures for the prevention of, response to, and the reporting and investigation of sexual abuse and sexual harassment.

FBOP Program Statement (PS) 3420.11, *Standards of Employee Conduct*, dated 12/6/2013, pp. 6-7, indicates a zero-tolerance policy against sexual abuse, harassment and sexual misconduct.

Any sexual conduct, whether inmate-on-inmate or staff-on-inmate, whether consensual or coerced, is strictly prohibited.

The policy is consistent with the PREA standards.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 13-14, section 115.11(b), specifically addresses the requirements of this provision. Additionally, it identifies the roles and responsibilities of the National PREA Coordinator (NPC), Regional PREA Coordinator (RPC) and Institutional PREA Compliance Manager (PCM) and relates directly to the implementation, management and monitoring of the FBOP's compliance with PREA Standards, including collaboration with the various levels of management. The reviewed policy is consistent with the PREA Standards and outlines the agency's approach to sexual safety.

The NPC is classified at the Executive level as confirmed through a review of the agency organization chart. The NPC has regular contact with all FBOP facilities throughout the nation; as well as, coordinates with the Privatization Management and Residential Reentry Management Branches to ensure contract facilities adhere to PREA standards. According to the FBOP Organizational Chart, the NPC reports to the Assistant Director, Reentry Services Division.

The interview notes of the NPC indicate the NPC is a full-time position dedicated solely to PREA compliance. The NPC feels she has sufficient time to manage her PREA related responsibilities. Each facility has one (1) PREA Compliance Manager (PCM), for a total of 122 throughout the agency.

The NPC provides training to all new Associate Wardens (AW) as they are ordinarily the PCM for the institution. She is a resource for the PCMs and interacts with them via email, telephone and in-person, when she visits their facilities. In 2019, a thorough four (4) hour training was developed. The NPC has provided and continues to provide this training at FBOP facilities.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 14, section 115.11(b), establishes, identifies and outlines the roles and responsibilities of the YAN PCM, which includes the collaboration with various levels of institutional management. Further, it establishes and identifies the responsibilities and procedures for the PCM to coordinate the institutions efforts to comply with PREA standards. Each of the reviewed policies is consistent with PREA standards and outlines the agency's approach to sexual safety.

The YAN's PCM is the Associate Warden who reports directly to the Warden of the facility, which was confirmed by a review of the institutional organizational chart. Through interviews with the agency NPC and the institution PCM, it was confirmed the PCM has the responsibility to ensure the institution's compliance with the PREA standards and has the authority to address all PREA issues.

During interviews with YAN's PCM, he indicated he has sufficient time to complete his responsibilities. It is evident that he is very knowledgeable with the expectations and responsibilities of his position and is able to fulfill them.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN exceeds the standard which addresses zero tolerance of sexual abuse and sexual harassment; PREA coordinator. No recommendations or corrective action is required.

Standard 115.12: Contracting with other entities for the confinement of inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to 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 inmates.) Yes No NA

115.12 (b)

- 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 inmates.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Interviews with the following:
 - PREA Compliance Manager (PCM)
 - Agency Contract Administrator

Provision (a)

YAN Pre-Audit Questionnaire (PAQ) revealed the FBOP requires all entities who contract with them for the confinement of inmates to adopt and adhere to PREA standards. All agency contracts for confinement of inmates contain PREA specific language, expectations and requirements. YAN does not individually contract for the confinement of inmates.

The interview notes of the Agency Contract Administrator indicate all contracts for confinement of inmates were modified in February 2013 to include PREA specific language. Further the notes indicate the FBOP is responsible for monitoring the compliance of all entities with which they contract to ensure PREA compliance. The PAQ indicates the FBOP has entered into eight (8) contracts with private providers since the last PREA audit.

According to the Agency Contract Administrator, all contracts for the confinement of inmates contain the following language: “The contractor shall develop policy and procedures for the establishment of a sexual abuse/assault program and comply with the Prison Rape Elimination Act of 2003 and the national standards to prevent, detect, and respond to prison rape as contained in 28 CFR Part 115, National Standards to Prevent, Detect, and Respond to Prison Rape; Final Rule dated June 20, 2012.”

Provision (b)

According to the Agency Contract Administrator, the policies and procedures of each contractor are reviewed by FBOP who ensure appropriate adherence to the national standards. Each entity is contractually required to notify the FBOP of any PREA allegation; as well as forward a copy of the allegation, investigation and findings to FBOP oversight staff for review. FBOP oversight staff review any PREA allegation to ensure compliance with the PREA requirements. These reviews are documented in monitoring reports. Finally, FBOP quality assurance conducts annual reviews of each contractor’s PREA allegations to determine contract compliance.

All contractors are required to obtain national PREA certification, with subsequent recertification every three (3) years. Proof of this certification and recertification are submitted to the FBOP to ensure compliance.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN meets the standard which addresses contracting with other entities for the confinement of inmates. No recommendations or corrective action is required.

Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift? Yes No NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? Yes No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)
 Yes No NA

115.13 (c)

- 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 No
- 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 No
- 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 No

115.13 (d)

- Has the facility/agency 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? Yes No
- Is this policy and practice implemented for night shifts as well as day shifts? Yes No
- Does the facility/agency 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 functions of the facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- YAN Staffing Plan
- YAN 2019 Annual PREA Staffing Reviews
- Warden *Supervision and Monitoring Memo* dated December 9, 2019
- Warden *Assurance Memo for Compliance with Staffing Plan* dated December 9, 2019
- YAN 2019 Staffing Reports
- YAN *Annual and Quarterly Salary Workforce Minutes* from October 24, 2019
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 3000.03, Human Resource Management Manual, Chapter 3, pp. 8-12
- FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, p.6, Item 7
- FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 16.
- YAN *Institution Duty Officer Unannounced Institution Rounds Form*
- YAN *Weekly Fire/Safety Inspection Form*
- Fourth Quarter Training Committee Meeting Minutes, dated September 19, 2019
- Interviews with the following:
 - Facility Head or Designee – Associate Warden (AW)
 - PREA Compliance Manager (PCM)
 - National PREA Coordinator (NPC)
 - Intermediate-or-Higher Level Facility Staff

Provision (a)

FBOP Program Statement 3000.03, Human Resource Management Manual, pp. 8-12, FBOP Program Statement 5324.12, p. 17, and FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program* indicate the Warden will assist in the development and will make his/her best effort to comply with the staffing plan. The plan will provide for adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual abuse. This section also requires that the PCM meet with the Warden at least annually to discuss the need for any adjustments that need to be made to the staffing plan, video monitoring systems or other monitoring techniques.

In addition, the YAN Staffing Plan indicates it is the policy of the facility to ensure that all relieved posts are staffed at the times specified.

On the PAQ, YAN indicated they have a staffing plan and the plan addresses each of the thirteen (13) items listed in Provision (a).

FBOP Program Statement 5324.12, p.16, dictates that at a minimum, the most recent Salary/Workforce Utilization Committee Meeting Minutes (which include a review of the staffing plan) are annually compiled by the Regional PREA Coordinator (RPC) by May 1 and submitted to the NPC by June 1.

FBOP Program Statement 3000.03, Human Resource Management Manual, Chapter 3, pp. 8-12, specifies the Warden will assist in the development and implementation of the facility staffing plan based on PREA requirements and will make best efforts to comply with the staffing pattern. The policy requires the plan provide adequate levels of staffing and, where applicable, video monitoring to protect inmates against sexual abuse. Additional language in the policy requires the staffing analysis to include:

- Generally accepted detention and correctional practices
- Consideration of any judicial findings of inadequacy
- Any findings of inadequacy from any Federal investigative agency
- Any findings of inadequacy from internal or external oversight bodies
- All components of the facility's physical plant, including potential blind spots
- The composition of the inmate population
- The number and placement of supervisory staff
- Institutional programming and options for supervision of inmates
- Any applicable state or local laws, regulations or standards; and
- The prevalence of substantiated or unsubstantiated incidents of sexual abuse and sexual harassment.

In addition, the Auditor reviewed copies of the 2019 annual PREA staffing report. The report was comprehensive and addressed each of the bullet items required according to Provision (a). On an annual basis, quality assurance audits are conducted to ensure compliance with the established staffing model. The staffing plan is predicated upon an average daily inmate population of 489, the average daily number of inmates during the time of the audit was 488.

Interviews with the PCM and other executive staff indicated random reviews of the staffing levels, how they affect the inmate programming, various classification counts, as well as any changes or modification to the video monitoring system are consistently conducted. Reviews of other concerns, such as the physical plant configuration, internal or external oversight bodies, inmate population configuration, and placement of supervisory staff, line-staff needs and any prevalence of substantiated or unsubstantiated incidents of sexual abuse are also consistently conducted. Additionally, each confirmed that during the quarterly Salary Workforce meetings, staffing plan compliance and any deviations from the staffing plan is a consistent and routine agenda item. This was confirmed by the Auditor when reviewing Salary Workforce meeting minutes.

Provision (b)

YAN has established a minimum staffing requirement. In the event a mandatory post is vacant, the post is filled with overtime staff or staff redirected from non-mandatory posts. It is the Operations Lieutenant's responsibility to document all deviations from the staffing plan. On the Pre-Audit Questionnaire (PAQ), YAN reported there had been no deviations from the staffing plan in the past 12-months. The Operations Lieutenant as well as the PCM both indicated, when asked, that possible deviations could occur for the following reasons:

1. Emergency transports
2. Call-ins

3. Staff illness
4. Transfers
5. Military leave

However, staffing plan deviations are not problem at YAN. They are fully staffed; staff morale is high and no one who is assigned to a 24/7 post is allowed to leave that post until relieved by another staff member. In reviewing documentation, the Auditor did not find an occurrence of staffing plan deviation in the past 12-months.

Provision (c)

Policy requires the staffing plan review to be completed in consultation with the PCM and other executive staff at least annually. The Auditor was provided a copy of the Salary Workforce minutes where the staffing plan was reviewed. This review discussed the staffing plan, video monitoring and the resources needed to adhere to the staffing pattern.

Policy requires an internal audit of the staffing plan be conducted on an annual basis. This assessment is an extensive review of all areas of the facility to ensure adequate staffing levels exist where inmates may be present. Justification for the need for additional staff or modifications to the facility, to include the deployment of video monitoring equipment, is addressed by the Salary Workforce on an annual basis. The annual review of the staffing plan includes facility and department management level staff which include: the PCM, the Warden, Human Resources, as well as other institutional management staff. The Auditor reviewed nine (9) different shift rosters and was able to verify that each mandatory post was covered by an assigned staff member.

YAN has a comprehensive camera system, [REDACTED] The camera system has been well thought out, and strategically designed to optimize oversight of all aspects of the facility. [REDACTED]

[REDACTED] In addition to the camera and video system, YAN also uses security mirrors throughout the institution to enhance the level of safety and security for staff and inmates.

Provision (d)

Policy mandates that intermediate level or higher-level supervisors conduct and document unannounced rounds on all shifts. These rounds are completed by the Operations Lieutenant and documented on *Institution Duty Officer Unannounced Institution Rounds* form. The Auditor reviewed the *Institution Duty Officer Unannounced Institution Rounds* forms for 2019 and confirmed these unannounced rounds are being completed as required by this standard. In talking with the PCM, he stated, while not documented, he as well as other supervisors, tour their units and areas regularly throughout the three (3) shifts, talk to staff at all levels as well as inmates. During the three (3) days the Auditor was on site; numerous supervisors were observed walking and working in various capacities throughout the facility. When interviewing inmates, it was confirmed the Operations Lieutenant, PCM, and other supervisory staff routinely walk around and through the institution and are visible and available to all inmates.

Additional unannounced rounds are conducted when the weekly fire/safety walk through is conducted. While these rounds are not meant to count as unannounced rounds; they are unannounced and are completed by intermediate or higher-level staff. These rounds are documented on the *Weekly Fire/Safety Inspection* form. The Auditor reviewed twelve (12) *Weekly Fire/Safety Inspection* forms and found that they were completed randomly each week, sometimes with different parts of the institution being inspected on different days.

There were four (4) interviews with intermediate or higher-level staff. These interviews affirmed that staff are making unannounced rounds to all areas of the facility, with no warning to staff. During random informal interviews and discussions with staff, it was confirmed that supervisors, the PCM, as well as the Operations Lieutenant, conduct unannounced tours of the facility and that warning staff is expressly prohibited. FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, Page 6, Section 7, declares staff may not alert other staff as to the rounds unless there is an operational need.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN exceeds the standard regarding Supervision and Monitoring, ensuring that the safety of staff and inmates is a priority. No recommendations or corrective action is required.

Standard 115.14: Youthful inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.14 (a)

- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (b)

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

115.14 (c)

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA
- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- FPC Yankton completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 16.
- Observations during on-site review
- Interviews with the following:
 - Facility Head or Designee – Associate Warden (AW)
 - PREA Compliance Manager (PCM)

Provision (a)

On the PAQ, YAN reported they did not house youthful inmates. In interviews with the AW, using the interview protocol for the facility head, he confirmed YAN does not house youthful inmates.

During the course of the on-site tour, the Auditor did not observe any youthful inmates.

Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 16, specifies the guidelines of how youthful inmates would be managed if they were in the facility.

Provision (b)

N/A

Provision (c)

N/A

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding youthful inmates. No recommendations or corrective action is required.

Standard 115.15: Limits to cross-gender viewing and searches

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.15 (a)

- 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 No

115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)
 Yes No NA
- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.) Yes No NA

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? Yes No
- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.) Yes No NA

115.15 (d)

- Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No
- Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? Yes No

- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? Yes No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? Yes No
- If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? Yes No

115.15 (f)

- 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 No
- Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- FPC Yankton completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prison (FBOP) Program Statement (PS) 5324.12 *Sexually Abusive Behavior Prevention and Intervention Program*, dated June 4, 2015, p.17
- FBOP Program Statement 5521.06 *Searches of Housing Units, Inmates and Inmate Work Areas*, dated June 4, 2015, pp. 2-5

- Warden Memo *Cross Gender Viewing and Searches* dated December 2, 2019
- Warden Memo *Searching or Physically Examining Transgender or Intersex Inmates* dated December 9, 2019
- *Sexually Abusive Behavior Prevention and Intervention Program* 2019 Annual, ICT Phase 1 Training
- Observations made during on-site review
- Interviews with the following:
 - Random Staff
 - Random Inmates

Provision (a)

FBOP Program Statement 5521.06 *Searches of Housing Units, Inmates and Inmate Work Areas*, dated June 4, 2015, p. 5, and FBOP Program Statement 5324.12 *Sexually Abusive Behavior Prevention and Intervention Program*, dated June 4, 2015, p.17, both address this standard. FBOP Program Statement 5521.06 *Searches of Housing Units, Inmates and Inmate Work Areas*, dated June 4, 2015, p. 3, expresses a staff member of the same sex as the inmate shall make the search, except where circumstances are such that delay would constitute an immediate threat to the inmate, staff, others or institution security. Cross gender searches of inmates are only allowed in exigent circumstances. FBOP Program Statement 5324.12 *Sexually Abusive Behavior Prevention and Intervention Program*, dated June 4, 2015, p.17, asserts the facility shall not conduct cross gender strip searches or visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by a medical practitioner. The facility shall document all exigent circumstance cross-gender strip or visual body cavity searches. Each of the reviewed policies are consistent with the PREA standard and outlines the agency's approach to sexual safety.

The Warden Memo *Cross Gender Viewing and Searches* dated December 2, 2019, indicates there have been no exigent circumstances at YAN requiring cross gender viewing of an inmate by a staff member.

There were thirteen (13) formal and three (3) informal staff questioned about cross gender search practices. All of the staff recalled having the training specific to this and reported that cross gender strip searches or cross gender body cavity searches do not occur at this facility.

Provision (b)

A total of eighteen (18) formal and five (5) informal random inmate interviews were conducted. Each of the inmates interviewed confirmed they had never been part of a cross gender search. There were no transgender or intersex inmates at the facility at the time of the audit.

There were thirteen (13) formal and three (3) informal staff questioned about cross gender search practices. When asked how the female staff would proceed if a male staff member was not available, they indicated there is always a male staff member on duty, who can be directed to the area to conduct the search. All staff recalled receiving training on opposite gender searches; however, each of them articulated that in all instances cross gender searches are not

conducted at the facility. All staff (both male and female) reported cross gender strip searches or cross gender body cavity searches do not occur at this facility.

Provision (c)

On the PAQ, YAN reported there had not been any cross-gender searches of any kind, i.e. strip, visual or pat conducted in the past 12 months.

FBOP Program Statement 5521.06 *Searches of Housing Units, Inmates and Inmate Work Areas*, dated June 4, 2015, pp. 4-5, indicates all cross-gender strip searches as well as all cross-gender body cavity searches must be documented. The reviewed policy is consistent with the PREA standard.

During the interviews with random staff, the Auditor asked under what circumstance would cross gender searches occur. All staff questioned indicated that there were sufficient male staff members available to conduct any searches that needed to occur, and that male staff would be diverted to address this issue if needed.

Provision (d)

Warden Memo *Cross Gender Viewing and Searches* dated December 2, 2019, states FPC Yankton has implements procedures and staff training that enable inmates to shower, perform bodily functions, and changer clothing without nonmedical staff of the opposite gender viewing their buttocks or genital area, except in exigent circumstances or when such viewing is incidental to routine cell checks. To date, there have been no exigent circumstances at FPC Yankton requiring cross gender viewing of an inmate by a staff member. The memo further outlines the following:

- Notices are posted in each housing unit indicating, "NOTICE TO INMATES: Male and female staff routinely work and visit inmate housing units."
- A general announcement is made via the public address system to each housing unit on each shift stating: "Male and female staff routinely work and visit inmate housing units."
- Opposite gender staff members who are not assigned as unit officers or unit team members are required to announce their presence when entering individual cells, restrooms and show areas.

On the PAQ, YAN indicated they allowed inmates to shower, perform bodily functions and change clothes without staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when viewing is incidental to routine cell checks. Further the PAQ indicated opposite gender staff are required to announce their presence when entering an inmate housing unit.

There were no transgender or intersex inmates in the population of YAN at the time of the audit. However, when staff were specifically asked would transgender or intersex inmates be able to shower privately, the answer was affirmative. When asked how this would be arranged, each staff member reported alternative showering times would be implemented as needed. Each staff member further stated the transgender or intersex inmate would have the opportunity for input

into the decision-making process of alternative shower times and the inmate's input would carry great weight in the decision-making process.

During the facility tour, opposite gender staff were observed entering the housing units and announcements of their presence was made. The Auditor was also announced by YAN staff when entering inmate housing and restroom areas as she was of opposite gender.

All inmates interviewed reported female staff announce their presence when entering living areas, and always announce and wait extended periods of time before entering the bathroom areas. Every inmate interviewed confirmed they were able to dress without being viewed by staff of the opposite gender.

Of the eighteen (18) formal and five (5) informal random inmates interviewed, all reported hearing opposite gender staff announce their presence when entering the housing unit. All inmates indicated the female staff will rarely enter the bathroom area, preferring a male staff enter, unless there are no male staff present, and then will only enter after the announcement has been made several times and the female staff have waited for a response. All staff interviewed reported that opposite gender staff announcements are made when entering the housing units.

Most of the housing units are designed in a dormitory setting, with one bathroom at one end of the dormitory. Each bathroom has several toilets and several shower stalls. Segregated housing cells contain toilets and showers inside the cell. All of the showers in the dorms and segregated housing have doors or curtains that protect against opposite gender viewing. The toilets have surrounds or are situated in a way that prevents opposite gender viewing.

Provision (e)

FBOP Program Statement 5324.12 *Sexually Abusive Behavior Prevention and Intervention Program*, dated June 4, 2015, p.17, as well as the Warden's Memo *Searching or Physically Examining Transgender or Intersex Inmates* dated December 9, 2019, both state that no staff member shall search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. The reviewed policy is consistent with PREA standards.

A total of eighteen (18) formal and five (5) informal random inmate interviews were conducted. Each of the inmates interviewed confirmed they had never been part of a cross gender search. There were no transgender or intersex inmates at the facility at the time of the audit.

There were thirteen (13) formal and three (3) informal staff questioned about transgender and intersex inmate search practices. Each staff member specifically stated that no searches would ever be permitted for the sole purpose of identifying an inmate's genital status.

Provision (f)

The Auditor reviewed copies of the 2019 PREA training sessions for YAN staff. The Auditor verified each signature on the sign-in sheet correlated to an existing YAN staff member listed on the staff roster, ensuring all staff received the required training. All participants also signed an

acknowledgment of training materials. Training topics included appropriate search techniques, specifically cross-gender pat searches and searches of transgender and intersex inmates. Additional training documents provided direction to staff on proper documentation practices when cross gender searches were conducted.

When female staff were asked how they would proceed if a male staff member was not available, each indicated there was never an instance when a male staff is not on duty, and would be directed to the area to conduct the search to ensure cross gender searches are not performed. All staff interviewed recalled receiving training on opposite gender searches; however, each of them articulated that in all instances female staff do not conduct cross gender searches and will always defer to a male staff member to complete the search. During the facility tour, opposite gender staff were observed entering the housing units and announcements of their presence were made. The opposite gender Auditor was also announced by YAN staff when entering the inmate housing and restroom areas.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding the limits to cross-gender viewing and searches.

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates 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: inmates who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that inmates 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: inmates who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that inmates 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: inmates who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates 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: inmates who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates 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: inmates who have speech disabilities? Yes No

- Does the agency take appropriate steps to ensure that inmates 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 No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- 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 No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? Yes No

115.16 (b)

- Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- FPC Yankton completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 19-20, 26.
- Warden Memorandum, *PREA Standard 115.16 (a)-1 Inmates with Disabilities and Limited English Proficiency*, dated December 9, 2019
- Chief Psychologist Memorandum, *Local Disabilities Assistance (PREA)*, dated October 25, 2019.
- Acquisitions Memorandum, *Blanket Purchase Agreement – DJJ17-F-2742, LanguageLine Solutions*, dated October 23, 2019
- Staff Training records, *Managing Inmates with Disabilities*
- YAN Annual Training Class Schedule 2019
- Facilitator Guide for 2019 PREA Annual Training
- Staff attendance record for 2019 PREA Annual Training
- Observations of PREA poster locations during on-site tour of facility
- Interviews with the following:
 - Facility Head or Designee – Associate Warden (AW)
 - Random Staff
 - Inmates with disabilities or LEP

Provision (a)

On the PAQ, YAN reported the FBOP has established procedures to provide disabled inmates and limited English proficient inmates with equal opportunity to participate in and benefit from all aspects of the agency's effort to prevent, detect and respond to sexual abuse and sexual harassment.

The Warden Memorandum, *PREA Standard 115.16 (a)-1 Inmates with Disabilities and Limited English Proficiency*, dated December 9, 2019, states YAN provides the following to ensure inmates understand and can utilize information about sexual abuse and sexual harassment:

- Printed copies of A&O handbooks in English and Spanish
- Audio recordings of the A&O handbook in English and Spanish

- The Director's video on Sexual Abuse Prevention in English with Spanish subtitles
- LanguageLine Solutions translation services are available for all staff to use as needed
- Individualized intake screening reviewing sexual abuse prevention information with the psychologist during the intake screening process
- A strong working relationship with the Local Disabilities Office and consult with them if needed for difficult cases

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 19-20, states the PCM shall reach out to local disabilities assistance offices to provide all inmates accessible education formats if an inmate has special needs (e.g., language barriers, visually impaired, deaf, limited reading skills or otherwise disabled) and not rely on inmates for this service.

The Chief Psychologist Memorandum, *Local Disabilities Assistance (PREA)*, dated October 25, 2019, confirms YAN has made arrangements for assistance through Vocational Rehabilitation Services of Yankton, SD, to assist with inmates who may present with issues that are more complex than the listing in the Warden's memorandum can address.

The Auditor was provided written documents, training materials, as well as PREA brochures, which are provided in both English and Spanish to the inmate population. During the tour, the Auditor also observed the PREA posters were prominently displayed in each housing unit, work area, hallways, as well as numerous other areas throughout the facility in both English and Spanish.

During the interview with the AW, using the interview protocol for the facility head, he shared that YAN has established procedures to provide inmates with disabilities or inmates who are Limited English Proficient (LEP), the opportunity to participate in PREA reporting process through several avenues such as, LanguageLine, staff interpreters, outside service providers such as Vocational Rehabilitation Services of Yankton, SD.

YAN utilizes the LanguageLine Solutions (LLS). LLS is an on-demand, over-the-phone language interpretation service. This service is available 7:00am to 10:00pm ET, seven (7) days a week, excluding government holidays. LanguageLine Solutions supports 32 different languages. Anytime a translation service is needed and the LLS is not available, the staff can use Google Translate. Google translate can be accessed via a computer with an attached microphone to address any translation needs for the inmates of the facility. At the present time, Google Translate supports 103 different languages, and is available 24 hours a day, 7 days a week.

The Auditor interviewed five (5) inmates with disabilities. Three (3) inmates were Limited English Proficient (LEP) and two (2) were cognitively disabled. The three (3) LEP inmates stated they received all PREA information and facility rules in Spanish. They further indicated language was not a barrier in programming or work assignments. The two (2) inmates with cognitive disabilities indicated they had a clear understanding of the PREA guidelines and were able to explain their rights and articulate multiple methods by which they could report an issue if necessary.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p.26, denote numerous items relative to ensuring each inmate is given information in verbal and written form, and that all information regarding FBOP's PREA policy is understood by the inmate. Additionally, it dictates inmate PREA education information will include: Prevention of sexual abuse and harassment; self-protection; methods of reporting; and treatment and counseling availability.

The Auditor was provided documentation that all YAN staff had received the training, *Managing Inmates with Disabilities*, during the calendar year 2019. This training was extensive and comprehensive, instructing staff of the various components of Americans with Disabilities Act, including the appropriate treatment of those inmates who are covered under the act.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 20, addresses the prohibition of using other inmates for translation services.

FBOP requires that only professional interpreters or translation services, including sign language, are available to assist inmates in understanding PREA policy, how to report allegations, and/or participate in investigations of sexual misconduct. The policy states inmates are not authorized to use interpretation/translation services from other inmates, family members or friends for these purposes. The limited exception is when a delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of the first responder duties under §115.64 or the investigation of the inmate's allegations.

During the interview with the PCM, he indicated there have not been any instances in the past twelve (12) months when an interpreter service was required.

Of the thirteen (13) random staff interviewed, all recalled the process of how to utilize LLS for interpretation services. Most indicated that in the event translation is required, they would try to find another staff member to provide translation and then contact the Operations Lieutenant before using LLS.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding inmates with disabilities and inmates who are limited English proficient. No recommendations or corrective action is required.

Standard 115.17: Hiring and promotion decisions

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates 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 No

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates 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 No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates 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 No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates 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 No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? Yes No
- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? Yes No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency perform a criminal background records check? Yes No
- Before hiring new employees who may have contact with inmates, 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 No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? Yes No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? Yes No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? Yes No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? Yes No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? Yes No

115.17 (g)

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? Yes No

115.17 (h)

- 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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.

- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 20-21
- Personnel file reviews for current employees, new employees and employees receiving promotions
- Interviews with the following:
 - Human Resource Manager (HRM)
 - Random Inmates
 - Inmates with disabilities or LEP

Provision (a)

On the PAQ, YAN reported to have one-hundred two (102) total staff with fourteen (14) new hires in the past twelve (12) months. Further, they reported twenty-one (21) contractors who have contact with inmates.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 20, declares that FBOP agency policy prohibits the hiring or promotion of an employee or contractor who may have contact with inmates who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution
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.

The Auditor reviewed a random sampling of staff and contractor files. Of the ten (10) promotions that occurred in the past twelve (12) months, the Auditor reviewed three (3) files. Each of the files reviewed contained all items required by the standard, which included documentation and Criminal History Check information. The Auditor also reviewed an additional twenty-two (22) files of individuals, both staff and contractor, who were either hired within the past twelve (12) months (14 files), were existing staff (4 files) or existing staff who had been with the FBOP for over five (5) years (4 files). The Auditor was able to verify all files reviewed contained all items required by the standard, including PREA documentation and verification of the completed criminal history checks.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 20, states the agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist service of any contract, who may have contact with inmates.

The Auditor interviewed the Human Resource Manager (HRM) in regard to the hiring practices of the YAN. The HRM indicated that the potential hire is required to fill out the personnel documents, which require the disclosure of the standard required items. The HRM stated the

FBOP takes a very active stance with the requirements of the PREA standards and have developed a very comprehensive system of tracking to ensure that all of the required history checks are completed for pre-hires, promotions, and five (5) year reviews. The Auditor conducted a review of the requested personnel files and verified that all of the files reviewed contained all items required by the standard, including the PREA documentation and verification of the completed criminal history checks. The three (3) questions listed under Provision (a) are on documents stored in Grand Prairie, TX.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 21, indicates before hiring a new employee or contractor, the FBOP shall: 1) conduct a criminal background record check, 2) make its best efforts to contact all prior institutional employers in regard to substantiated allegations of sexual abuse or any resignation during a period of sexual abuse investigation; 3) ask potential employees and contractors about previous misconduct described in Paragraph V, A, 4, a of this regulation; 4) Apprise potential employees and contractors that false information or material omissions regarding such misconduct shall be grounds for termination and that they have a continuing duty to disclose such conduct.

The Auditor interviewed the HRM in regard to hiring practices of the YAN. The HRM stated the FBOP requires background checks on all new hires, promotions and existing staff every five (5) years.

In the preceding 12 months there were fourteen (14) persons hired who may have contact with inmates who had a criminal background check completed. The Auditor conducted a review of all fourteen (14) of these personnel files and verified that all of the files contained all items required by the standard, including the PREA documentation and verification of the completed criminal history checks.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 21, indicates that before hiring a new employee or contractor, the FBOP shall conduct a criminal background records check

On the PAQ, YAN reported there are twenty-one (21) contractors who might have contact with inmates. Additionally, in the PAQ, YAN reported during the past twelve (12) months criminal background record checks were conducted on all twenty-one (21) staff covered in the contracts. YAN provided documentation indicating these twenty-one (21) criminal background history checks are current for this reporting cycle.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 21, requires the FBOP to conduct a criminal background records check every five (5) years on all current employees and contractors.

The Auditor interviewed the HRM who stated the agency has a centralized database, located in Grand Prairie, TX, that tracks the completion of all background checks, and also tracks the due dates of the five (5) year criminal history background check.

Provision (f)

During the interview with the HRM, the Director indicated all applicants and employees who may have contact with inmates are directly asked about previous misconduct described in paragraph (a) of this section in written applications and self-evaluations or interviews for hiring or promotions.

During the interview with the HRM, the Director indicated that a condition of staff employment is that any arrest activity must be reported through the respective employees reporting structure. Additionally, any information on substantiated allegations of sexual abuse or sexual harassment involving a former employee must be provided upon request.

Provision (g)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 21, g, states that material omissions regarding such misconduct (as stated in this provision) shall be ground for termination and that they have a continuing duty to disclose such conduct.

Provision (h)

During the interview, the HRM confirmed that unless prohibited by law, all information would be provided on substantiated allegations of sexual abuse or sexual harassment involving a former employee would be shared upon request from an institutional employer for whom such employee has applied for work.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding hiring and promotion decisions. No corrective action is required.

The Auditor would recommend documentation of staff, contractors and volunteers' responses to the questions in provision (a) of this standard be maintained at the facility, in addition to Grand Prairie, Texas, to facilitate future reviews. The questions are:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution
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.

Pursuant to provision (f) of this standard these questions should be asked and answered of applicants during interviews, prior to employment or promotion of staff members, prior to placement of contractors and volunteers. Likewise, they should be asked and answered during evaluations.

Standard 115.18: Upgrades to facilities and technologies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.18 (a)

- 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 inmates 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.)
 Yes No NA

115.18 (b)

- 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 inmates 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.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 21-22

- Observations during on-site review
- Interviews with the following:
 - Facility Head or designee - Associate Warden (AW)
 - PREA Compliance Manager (PCM)

Provision (a)

On the PAQ, YAN reported they have not acquired any new facilities or made substantial expansions or modifications of the existing facility. Moreover, they reported the facility has not installed or updated the video monitoring system, electronic surveillance system or other technology since the last PREA audit.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 21, specifies that when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facility, the agency shall consider the effect of the design, acquisition, expansion or modification upon the agency's ability to protect inmates from sexual abuse.

The Auditor conducted a comprehensive tour of YAN. Since the last audit there has not been any substantial expansions or additions to the facility.

The Auditor interviewed the AW, using the interview protocol for the facility head, who reported any construction, renovation or modification would be done with full consideration of all PREA standards. He further reported there are meetings that would be held regarding any building or construction considerations and that safety and cameras or other technologies would be discussed and considered at such meetings. During these meetings YAN executive staff would meet with all key supervisors and managers to discuss any pertinent issues, such as Data/Reporting issues, Grievances, Disciplinary Reviews, Video Summary Reviews, Use of Force Incidents, Incidents of Sexual Abuse, as well as the analysis of key data such as overtime, leave time, morale, etc.

Provision (b)

During the interview with the AW, using the interview protocol for the facility head, he said there is [REDACTED]

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 22, indicates when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how much technology may enhance the agency's ability to protect inmates from sexual abuse.

YAN camera coverage is monitored [REDACTED]

YAN cameras are positioned normally [REDACTED]

[REDACTED] The positions allow for privacy in and around areas of showers and restrooms.

The Auditor interviewed the AW, using the interview protocol for the facility head, who stated that the FBOP and YAN are committed to the camera monitoring program and indicated that having the cameras in place has created a sense of comfort for everyone, staff and inmates, knowing that should an incident occur, an independent observation can be reviewed using the stored video.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding upgrades to facility and technology. No recommendations or corrective action is required.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.21 (a)

- 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 No NA

115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) Yes No NA
- 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 No NA

115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? Yes No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? Yes No
- 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 No
- Has the agency documented its efforts to provide SAFEs or SANEs? Yes No

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No
- 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? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA
- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.21 (e)

- 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 No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? Yes No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) Yes No NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/3/2014, pp. 22-24, 43
- FBOP Program Statement (PS) 6031.04, *Patient Care*, dated 6/3/2014, pp. 42-44
- FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019
- Assistant Inspector General for Investigations Memorandum, *Prison Rape Elimination Act Investigative Policy*, Volume III, Section III-207, dated July 9, 2014
- Warden Memorandum, PREA Standard 115.21 (e)-1 *Victim Advocates and Forensic Medical Exams/Investigatory Process*, dated December 9, 2019
- Warden Memorandum, PREA Standard 115.21 (f)-1 *Criminal Investigations*, dated December 9, 2019
- Staff Training Documentation, *Forensic Medical Exams: An Overview for Victim Advocates (CPG-0234-BXX)*
- Lesson Plan, *Forensic Medical Exams: An Overview for Victim Advocates*
- Gratuitous Services Agreement between YAN and River City Domestic Violence Center, dated August 9, 2018
- ONE Source First Responder Reference Guide, *Sexual Assault Crisis Intervention*
- MOU between the Federal Bureau of Prisons and the Federal Bureau of Investigation on Violations of Federal Criminal Statutes
- DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge)

- Interviews with the following:
 - Random Staff
 - SAFE/SANE Staff
 - PREA Compliance Manager (PCM)

Provision (a)

On the PAQ, YAN reported the facility is responsible for conducting administrative investigations. The Federal Bureau of Investigation (FBI) and Office of the Inspector General (OIG) are responsible for conducting criminal investigations, including inmate-on-inmate sexual abuse and staff sexual misconduct. The PCM provides investigative assistance for those inmate-on-inmate sexual harassment administrative cases.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 22, states to the extent the agency is responsible for investigating allegation of sexual abuse, the agency shall follow a uniform evidence protocol that maximize the potential for obtaining usable physical evidence for administrative proceeding and criminal prosecutions.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 43, states the policy of the FBOP is to conduct all investigations in a fair and impartial manner, maintain confidentiality in all investigations, and protect the constitutional rights of all individuals subjected to investigation.

The Auditor interviewed a total of thirteen (13) random staff in regard to the rules of evidence, and their understanding of the process should an inmate report alleged sexual abuse. All staff interviewed were able to articulate the basic preservation of evidence component of both victim and abuser. They were also able to explain their responsibilities up to the point when they transfer responsibility to either investigative or medical staff.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 22, indicates the protocol shall be developmentally appropriate for youth where applicable, and as appropriate shall be adapted from or otherwise based on the most recent edition of the US 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.

YAN does not house youthful inmates.

Provision (c)

On the PAQ, YAN reported all treatment services are provided to the victim without financial cost.

FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, p. 4, section d, 2, states if an alleged victim requires

a forensic medical assessment (i.e., rape kit), he shall be transported to a local hospital emergency room to receive the needed medical care.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 22, indicated treatment services shall be provided to the victim without financial cost and regardless if the victim names the abuser or cooperates with an investigation arising out of the incident.

The Gratuitous Services Agreement between YAN and River City Domestic Violence Center (RCDVC), dated August 9, 2018, establishes collaboration between YAN and RCDVC to provide confidential support services related to sexual abuse to individuals at YAN. The inmates housed at YAN are provided the treatment services through Avera Sacred Heart Hospital (SAFE/SANE exams) and RCDVC (Victim Advocacy Services). When a SAFE/SANE examination is conducted, RCDVC provides a victim advocate for the alleged victim.

During the interview with the PCM, he reported in the past twelve (12) months there have not been any inmates who have been transported for any reason for SAFE/SANE services.

The Warden Memorandum, PREA Standard 115.21 (e)-1 *Victim Advocates and Forensic Medical Exams/Investigatory Process*, dated December 9, 2019, states during the past 12-months YAN did not have any inmates requested the use of victim advocacy services.

The Auditor conducted a telephone interview with a SAFE/SANE representative. She confirmed the exams are provided at no cost to the inmate and that all forensic services are provided when the inmate is presented at the hospital for follow-up. She indicated there are seven (7) forensic nurses (SAFE/SANE) on staff at Avera Sacred Heart Hospital. Further she indicated in the rare and unlikely event none of these individuals are available, the forensic examination would be performed by the Emergency Department (ED) Registered nurse and an ED Physician. In this scenario, the ED staff would be under the guidance of the eCare services who have a SANE RN on call 24/7 for directions and troubleshooting.

Provision (d)

As stated in Provision (c), a victim advocate is provided during the forensic medical examination. In addition, per the Gratuitous Services Agreement with RCDVC, the victim/inmate is also provided advocacy assistance.

During the interview with the PCM, he indicated victim advocacy services are offered through contract and are built into the forensic exam process. The PCM stated that all requirements of PREA have been incorporated into the contract. During the examination, the inmate meets the victim advocate and arrangements are made to provide any necessary and/or requested counseling services. Follow-up counseling is coordinated through RCDVC, in collaboration with mental health services.

At the time of the audit, the information received regarding the allegations of sexual abuse and sexual harassment indicate in the past 12-months revealed (2) two allegations of sexual abuse and sexual harassment. One (1) was for sexual abuse and one (1) was for sexual harassment. Both allegations were Staff-on-Inmate violations while at YAN. Both allegations were

unsubstantiated. In the case of sexual abuse, the alleged victim was offered medical and mental health services and received both. In the case of sexual harassment, the alleged victim was offered medical and mental health services and declined both.

Provision (e)

As stated in Provision (d) during the examination, the inmate meets the victim advocate. The victim advocate provides emotional support, crisis intervention, information and referrals as necessary and/or requested.

Provision (f)

As reported in Provision (a) the facility is responsible for conducting administrative investigations. The Federal Bureau of Investigation (FBI) and Office of the Inspector General (OIG) are responsible for conducting criminal investigations, including inmate-on-inmate sexual abuse and staff sexual misconduct.

The MOU between the FBOP and the FBI on Violations of Federal Criminal Statutes confirms the FBOP has made the FBI aware of all PREA requirements of provisions (a) through (e) of this standard.

The DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge), confirms the investigators have been provided special training per PREA guidelines.

Provision (g)

Auditor is not required to audit this provision.

Provision (h)

As reported in Provision (d) victim advocacy services are offered through contract and are built into the forensic exam process.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding evidence protocol and forensic medical examinations. No recommendations or corrective action is required.

Standard 115.22: Policies to ensure referrals of allegations for investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? Yes No

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? Yes No

115.22 (b)

- Does the agency have a policy and practice 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 No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? Yes No
- Does the agency document all such referrals? Yes No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) Yes No NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- FBI Domestic Investigations and Operations

- Memorandum of Understanding between the Federal Bureau of Investigation (FBI) and the Bureau of Prisons (BOP) on Violations of Federal Criminal Statutes
- Federal Bureau of Prisons (FBOP), Program Statement 5508.02, *Hostage Situations or Criminal Actions Requiring FBI Presence*, dated December 12, 1996
- FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 24-25, 45
- FBOP Program Statement (PS) 1350.01, *Criminal Matter Referrals*, dated 1/11/96
- Rules and Regulations, Department of Justice (DOJ), 28 CFR Part 0 and 45, *Reporting Violations to the Office of the Inspector General and the Office of Professional Responsibility; Delegations of Authority*, dated September 15, 2006
- Memorandum for DOJ Employees, *Duty to Report Misconduct and Cooperate with Investigators*, dated April 12, 2002
- Warden Memorandum, PREA Standard 115.21 (f)-1 *Criminal Investigations*, dated December 9, 2019
- DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge)
- Interviews with:
 - Random Staff
 - Investigative Staff

Provision (a)

The agency and facility refer all criminal investigations to the Federal Bureau of Investigation (FBI) or the Office of the Inspector General (OIG). The DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge), confirms the investigators have been provided special training per PREA guidelines.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 25, states the FBOP shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment.

FBOP Program Statement (PS) 1350.01, *Criminal Matter Referrals*, dated 1/11/96, p.1, states all criminal matters that occur in an institution or on institution grounds, or that involve Bureau of Prisons staff, will be documented and tracked. Additionally, each criminal matter will be formally considered for referral to an appropriate law enforcement agency, which in the case of PREA is the FBI.

FBOP Program Statement (PS) 1350.01, *Criminal Matter Referrals*, dated 1/11/96, pp. 2, states the Special Investigative Services (SIS) shall present each criminal matter to the Warden to determine whether it is to be referred to the appropriate Federal, state or local law enforcement agency. The SIS or the Warden may consult with the institution legal staff regarding the criminal matter prior to the referral.

The Auditor reviewed documentation that indicated during the past 12-months there were (2) two allegations of sexual abuse and sexual harassment. One (1) was for sexual abuse and one

(1) was for sexual harassment. Both allegations were Staff-on-Inmate violations while at YAN. Both allegations were unsubstantiated, and the cases have been closed.

All staff interviewed knew their responsibility to report any suspicion, or knowledge of an allegation of sexual abuse and sexual harassment. Each reported they were required to make such a report immediately after becoming aware of it. They further stated they are to report to SIS, who in turn decides if the allegation is administrative or criminal.

Provision (b)

The policies regarding the FBOP and YAN's obligation to thoroughly investigate all matters relative to Sexual Abuse and Sexual Harassment are provided in Provision (a).

Warden Memorandum, PREA Standard 115.21 (f)-1 *Criminal Investigations*, dated December 9, 2019, states that YAN referrals all criminal investigations to the OIG and/or the FBI. The Captain and/or Special Investigative Agent (SIA) will ensure there is cooperation with the investigators from these agencies and stays abreast of the investigation.

FBOP Program Statement 5508.02, *Hostage Situations or Criminal Actions Requiring FBI Presence*, dated December 12, 1996, indicates FBI has investigative responsibilities at FBOP facilities under T18, U.S.C., Sections 1791 and 1792 (Irregularities in Federal Penal Institutions).

The DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge), confirms the investigators have been provided special training per PREA guidelines.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 45, h, states substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 45-46, states following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. All notifications to inmates are made by the Special Investigative Services Lieutenant.

YAN all allegations which are either followed up through the administrative or criminal investigation process. The policy and processes are published on the agency website, as were verified by the Auditor.

During the interviews, staff indicated all allegations are investigated. Administrative allegations are investigated by the Special Investigation Services (SIS). The ones which are criminal in nature are investigated by FBI and/or OIG, then referred to the United States Attorney's Office in the appropriate jurisdiction for prosecution.

Provision (c)

As stated in Provision (a) the agency and facility refer all administrative investigations to SIS and all criminal investigations to the FBI and/or OIG.

As stated previously, FBOP Program Statement (PS) 1350.01, *Criminal Matter Referrals*, dated 1/11/96, outlines how criminal matters are referred, as well as the responsibilities of those investigating the allegations.

As previously mentioned, the Warden Memorandum, PREA Standard 115.21 (f)-1 *Criminal Investigations*, dated December 9, 2019, outlines the responsibility of facility staff, specifically SIS and SIA, in relation to any criminal investigation performed by the FBI and/or OIG.

Provision (d)

Auditor is not required to audit this provision.

Provision (e)

Auditor is not required to audit this provision.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN meets the standard which addresses policies to ensure referral of allegations for investigations. No recommendations or corrective action is required.

TRAINING AND EDUCATION

Standard 115.31: Employee training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? Yes No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No

- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? Yes No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? Yes No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? Yes No

115.31 (c)

- Have all current employees who may have contact with inmates received such training? Yes No
- 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 No
- 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 No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP), Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019.
- FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 24-26.
- Training Curricula, *Sexual Abusive Behavior Prevention and Intervention Program*, 2019
- PREA Training Acknowledgement, dated February 6, 2019
- PREA Training Acknowledgement, dated February 13, 2019
- PREA Training Acknowledgement, dated February 20, 2019
- PREA Training Acknowledgement, dated February 27, 2019
- Observations during on-site review of rounds
- Interviews with the following:
 - Random Staff

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 24-25, specifies that all employees will be trained in a minimum of:

1. Zero tolerance policy
2. How to fulfill responsibilities for sexual abuse and sexual harassment prevention, detection, reporting and response
3. Inmate's 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. Common reactions of sexual abuse and sexual harassment victims
7. How to detect and respond to signs of threatened or actual sexual abuse
8. How to avoid inappropriate relationships with inmates
9. How to communicate effectively with LGBTI and gender non-conforming inmates
10. How to comply with relevant mandatory reporting laws.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 25, indicates all employees will be trained annually with a refresher course every two years. New employees will be trained prior to having contact with inmates.

FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, indicates the PCM, Chief Psychologist and the Human Resource Manager will organize PREA training for new and current employees. Training will occur in Introduction to Correctional Techniques (ICT) and Annual Training (AT). All non-specialized staff shall receive training to include, but not be limited to, the prevention, detection, response and reporting of allegations of inmate sexual abuse, sexual harassment, and custodial sexual misconduct. Such training shall encompass all required areas employees need to know to ensure compliance with PREA standard requirements. Employee instruction shall be accomplished during initial training, annual in-service training, specialized training and additional training as needed. Employee training shall be documented to denote employee understanding of material and verified through employee signature and refresher trainings shall be accomplished at least every two years

FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, goes on to say, the Captain will ensure investigative staff and lieutenants are appropriately trained and documentation of specialized training is kept on file. The Health Services Administrator will ensure all health care providers are appropriately trained and documentation of specialized training is kept on file. The Chief Psychologist will ensure all psychologists are appropriately trained and documentation of specialized training is kept on file. The Reentry Affairs Coordinator will ensure all volunteers are appropriately trained and documentation of training is kept on file. Each sponsoring department head will ensure all contractors and volunteers are appropriately trained and documentation of training is kept on file. At a minimum volunteers and contractors will be trained in the FBOP's zero tolerance policy regarding sexual abuse, sexual harassment and how to report such incidences.

YAN's curriculum and training materials were reviewed by the Auditor. The core training materials contain all ten (10) of the elements required for this provision. Each of the elements is covered in detail in the training and have incorporated numbered training elements in order to facilitate retention of the required elements. The level or complexity of the training will depend on the employee's classification with some specialized training curriculum depending on the employee's job responsibilities.

The Auditor reviewed a total of thirteen (13) random staff training files, conducted on staff from various categories, including employees hired in the past 12 months, employees promoted in the past 12 months, those employees who have been employed at YAN longer than 12 months and those employees who have been with the YAN longer than 5 years. Each reviewed file contained all relevant documentation to reflect the staff had met their initial PREA requirements. In addition, the Auditor also reviewed all of the sign-in sheets for PREA refresher training for the past twelve (12) months which confirmed by staff signatures, each of the employees at YAN had acknowledged receiving the PREA training.

Each of the random staff interviewed recalled attending the initial PREA training when they were hired or when PREA went into effect. All staff interviewed confirmed they receive annual PREA training, as well as additional in-service training.

Provision (b)

The policy regarding the FBOP's and YAN's responsibility to provide training and education regarding Sexual Abuse and Sexual Harassment are provided in Provision (a).

The training provided by the YAN, addresses both male and female issues. However, the YAN training has been tailored specifically to the male inmate population. The Auditor reviewed the training materials utilized for the staff at YAN. The training materials are consistent with this PREA standard. If an employee is reassigned from a facility that houses a different population composition, that employee is retrained or provided refresher training for the population make-up of the new facility prior to be placed contact with the inmate population.

As stated in Provision (a), the Auditor reviewed the sign-in sheets for the training that occurred at YAN, verifying attendance of all YAN staff.

Provision (c)

Of the 102 staff presently assigned to YAN, the Auditor reviewed documentation that reflected all 102 staff or 100% of the staff have received the PREA training in the past twelve (12) months. YAN staff also receive refresher training every two (2) years. The Auditor reviewed documents the last refresher training was in 2018. YAN also provides additional PREA training annually, as well as shift trainings, staff meetings and posters.

Provision (d)

PREA training requirements mandate attendance at all PREA required training to be documented through employee signature, acknowledging the training they have received. In some instances, employees are required to complete an Acknowledgement of Receipt of Training upon completion of the training. A copy of these receipts was observed in every file reviewed by the Auditor. The receipts contained various dates which reflected separate training sessions.

In instances where a receipt of training material was not required, staff would sign-in on a training sheet, verifying their attendance at the required training. The Auditor received copies of each training session for the past twelve (12) months, reflecting training completed by YAN staff.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN exceeds the standard which addresses policies regarding employee training. No recommendations or corrective action is required.

Standard 115.32: Volunteer and contractor training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.32 (a)

- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? Yes No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates 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 inmates)? Yes No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP), Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019.
- FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 26
- Training Curricula, *Sexual Abusive Behavior Prevention and Intervention Program*, 2019
- Interviews with the following:
 - Volunteers or Contractors who have Contact with Inmates_

Provision (a)

FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, specifies the Reentry Affairs Coordinator will ensure all volunteers are appropriately trained and documentation of training is kept on file. Each sponsoring department head will ensure all contractors and volunteers are appropriately trained and documentation of training is kept on file. At a minimum volunteers and contractors will be

trained in the FBOP's zero tolerance policy regarding sexual abuse, sexual harassment and how to report such incidences.

YAN's curriculum and training materials were reviewed by the Auditor. The core training materials contain all ten (10) of the elements required for this provision. Each of the elements is covered in detail in the training and have incorporated numbered training elements in order to facilitate retention of the required elements. The level or complexity of the training will depend on the responsibilities and role of the contractor or volunteer.

The Auditor reviewed documentation indicating that 18 volunteers and 21 contractors, or 100%, have received PREA training in the past twelve (12) months.

The Auditor conducted one (1) formal interview with a contract staff and one (1) formal interview with a volunteer. Both recalled having PREA training. Each of them recalled the level of training was specific to their roles or responsibilities in the facility. When the Auditor questioned each one about their knowledge of PREA, each was able to identify what PREA was and more importantly, what their role or responsibility was in the event they are confronted with a situation of Sexual Abuse or Sexual Harassment.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 26, indicates the FBOP will ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies. The level and type of training will be based on the services they provide and level of contact with the inmates. However, all volunteers and contractors shall at a minimum be trained in the following:

1. Zero tolerance policy
2. How to report sexual abuse or sexual harassment

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 26, further states verification of all training provided and the individuals understanding of that training shall be documented by signature and maintained in each respective individuals file.

The Auditor conducted one (1) formal interview with contract/dental staff. During the interview he verbally demonstrated to the Auditor a comprehensive and complete understanding of the agency's zero-tolerance policy and how to address any instance when an inmate reports a PREA specific issue.

Provision (c)

As indicated in Provision (b) copies of the acknowledgment page from the PREA training is retained in each volunteer and contractors file. The Auditor reviewed the sign in sheets from the PREA training sessions for the past twelve (12) months. Each sign in sheet reflected

acknowledgment signatures from contractors and volunteers for the PREA training they received.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN meets the standard which addresses policies regarding volunteer and contractor training. No recommendations or corrective action is required.

Standard 115.33: Inmate education

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.33 (a)

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? Yes No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? Yes No
- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? Yes No

115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)? Yes No
- Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility? Yes No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? Yes No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? Yes No

115.33 (f)

- In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5290.14, *Admission and Orientation Program*, dated 4/3/2003, p. 10, g

- FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 26 - 27
- BP-A0518 CDFRM, *Institution A&O Program Checklist*
- BP-A0597 CDFRM, *Unit A&O Program Checklist*
- FPC Yankton *Admission and Orientation Handbook*, dated July 2019 – English and Spanish
- Acquisitions Memorandum, *Blanket Purchase Agreement – DJJ17-F-2742, LanguageLine Solutions*, dated October 23, 2019
- Warden Memorandum, *PREA Standard 115.33 (d)-1 Inmate Education*, dated December 9, 2019
- Chief Psychologist Memorandum, *Local Disabilities Assistance (PREA)*, dated October 25, 2019.
- PREA Posters
- Miscellaneous Training Materials
- Observations during on-site review
- Interviews with the following:
 - Intake Staff
 - Random Inmates

Provision (a)

FBOP Program Statement (PS) 5290.14, *Admission and Orientation Program*, dated 4/3/2003, p. 10, g, indicates staff must document the inmate has received a copy of the institution's inmate handouts and has completed the institution's Admission & Orientation (A&O) program. Staff will have the inmate sign and date a copy of this document and the original will be placed in the Inmate's Central File. Completion of the A&O programming will be documented on both the *Institution A&O Program Checklist Form* (BP-A0518) and the *Unit A&O Program Checklist Form* (BP-A0597). Additionally, documentation that the inmate received orientation information during the Intake Screening process will be noted on the Intake Screening Form.

FPC Yankton *Admission and Orientation Handbook*, dated July 2019 – English and Spanish, page 78, explains the agency's zero tolerance policy regarding sexual abuse and sexual harassment. FPC Yankton *Admission and Orientation Handbook*, dated July 2019 – English and Spanish, page 79, further explains how to report incidents or suspicions of sexual abuse and sexual harassment.

The Inmate Handbook and Orientation Material, as well as the PREA Posters were observed during the on-site tour of the facility by the Auditor. The Auditor reviewed written materials in both English and Spanish.

The Auditor was provided a copy of BP-A0518 CDFRM, *Institution A&O Program Checklist*, which is completed with each inmate up on arrival. Number 10 on the checklist is Sexual Abuse/Assault Prevention and Intervention. Beside that is a place for staff initials of who went over the topic with the inmate and the date it was discussed. At the bottom of the form is a line that states "I have attended all classes of the A&O Program as listed above. Signature of Inmate." The inmate signs and dates this form upon completion of the A&O Program. This signed

form is maintained in the Inmate Central File. Of the twenty-one (21) inmate files reviewed, signed and dated documentation of PREA education through A&O was retained in every file with the rest of the inmate information.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 26, indicates during the intake process inmates shall receive information explaining 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.

During interviews with intake staff, it was confirmed inmates are provided an A&O Handbook upon arrival at YAN. The inmate signs the acknowledgment form which is retained in the inmate file.

Each housing unit has multiple telephones designated for inmate use. Using any of these telephones, an inmate can call a PREA hotline to report an incident of sexual abuse or sexual harassment. The call is free of charge and confidential. This was confirmed by the Auditor on the on-site tour.

Each housing unit has multiple computers designated for inmate use. Using any of these computers, an inmate can file an electronic report of incident of sexual abuse or sexual harassment. Usage of the computers is free of charge and confidential. This was confirmed by the Auditor on the on-site tour.

During the interviews with eighteen (18) inmates, all of them remembered receiving written PREA materials and an A&O Handbook. All of the interviewees reported the material they received included information about the facility's zero tolerance policy and ways to report. For those inmates who arrived prior to PREA going into effect, they recalled receiving the materials and attending training when PREA was implemented. All interviewees stated the facility took PREA seriously and frequently discussed it with them both formally and informally.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 27, specifies within 30-days of intake, the agency shall provide comprehensive education to inmates 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 agency policies and incidents.

Per the PAQ, YAN reported during the past twelve (12) months there were 235 inmates whose length of stay at the facility was more than thirty (30) days. The PAQ also reflected all of these inmates were provided the PREA information which included their right to be free from sexual abuse, as well as the policies and procedures for reporting. YAN reported 100% of the inmates admitted to their facility in the past twelve (12) months received the mandated information.

During interviews with Intake staff, they indicated inmates receive their PREA training immediately upon arrival, prior to their unit assignment. They reported the inmates are not allowed to leave the intake area until they have completed their PREA orientation and submitted

to a urinalysis test. Once these two (2) things are completed the inmate will be assigned a housing unit and bed and escorted to their assigned area.

During interviews with inmates, each were asked to briefly outline what they learned during PREA training. All responses were similar in nature and were generally: zero tolerance for sexual abuse or harassment, right to be free from sexual harassment and retaliation for reporting, who to talk to about a concern, who to report an incident to, to dial the PREA Hotline or use the computer to make a report, and call the number on the posters around the facility.

Provision (c)

As indicated in Provision (b) 100% of inmates who entered the facility during the past 12-month period received the required PREA training. At the time of PREA implementation, all inmates incarcerated at YAN were required to attend PREA training. Inmates arriving after implementation received their training at intake. This training, at intake, is facilitated through staff going over material and answering any questions the inmate may have. Upon arrival, the inmate is also provided an Admission and Orientation Handbook and goes through the A&O process. At the end of the A&O process is a question and answer period to reinforce retention of the information presented.

The information was documented with verification of the training retained in the Inmate Central File. A copy of this documented verification was reviewed by the Auditor.

As indicated in Provision (b) the intake staff provide the PREA information immediately upon arrival into the facility. Interviews with intake staff revealed that upon arrival at the facility inmates are given orientation materials, including PREA related materials, before being assigned to a housing unit. This is a requirement for all inmates, whether they are a new intake or a transfer from another facility.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 27, requires the agency to provide all inmates accessible educational formats if an inmate has special needs (language barriers, visually impaired, deaf, limited reading skills, or otherwise disabled), not relying on inmates for this service.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 28, indicates that in addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through posters, handbooks or other written formats.

The various training elements provided to the inmate population range from PREA documents in both English and Spanish, PREA posters in both English and Spanish, to staff members who are fluent in Spanish. The facility also uses the LanguageLine Solutions (LLS) for when an interpreter is not available.

LLS is an on-demand, over-the-phone language interpretation service. This service is available 7:00am to 10:00pm ET, seven days a week, excluding government holidays. The LanguageLine Solutions supports 32 different languages. Anytime a translation service is needed and the LLS is not available, the staff can use Google Translate. Google translate can be accessed via a computer with an attached microphone to address any translation needs for the inmates of the facility. At the present time, Google Translate supports 103 different languages, and is available 24 hours a day, 7 days a week.

The Chief Psychologist Memorandum, *Local Disabilities Assistance (PREA)*, dated October 25, 2019, confirms YAN has planned for assistance through Vocational Rehabilitation Services of Yankton, SD, to assist with inmates who may present with issues that are more complex.

During the interview with the PCM, he was asked what the process was if an inmate had a disability not covered under the training elements established by the facility. He stated he would work with the Local Disability Assistance to ensure each inmate is able to understand and retain the PREA materials to a comfort level of comprehension.

Provision (e)

As stated in previous provisions, all inmates are required to sign the *Institution Admission and Orientation Program Checklist Form*, once they have completed A&O. A copy of this acknowledgment is retained in the Inmate Central File as documentation.

As stated in provision (a), a review of twenty-one (21) inmate files was conducted and the signed acknowledgment document was in every file.

Provision (f)

YAN has made noteworthy strides to ensure the inmates at YAN receive crucial education about Sexual Abuse and Sexual Harassment. Through the use of varying formats, the inmate population receives important information in user friendly, comprehensible ways. The *Inmate Admission and Orientation Handbook* is an excellent tool which specifically lays out the prevention of sexual violence, zero tolerance policy and includes multiple methods inmates can seek assistance regarding sexual violence.

YAN has a variety of PREA posters, in both English and Spanish. These posters are different throughout the facility as not to become easy to overlook. During the on-site, the Auditor observed these posters in every room throughout the facility.

In interviews with inmates, they each reported the PCM and the Chief Psychologist check with them formally and informally about PREA issues and practices. They often ask them questions to make sure they are remembering PREA policies and reporting guidelines, as well as feeling safe on the compound.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standards for inmate education. No recommendations or correction action is required.

Standard 115.34: Specialized training: Investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA
- 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 115.21(a).) Yes No NA
- 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 115.21(a).) Yes No NA
- 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 115.21(a).) Yes No NA

115.34 (c)

- 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 115.21(a).) Yes No NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 28-29
- MOU between the Federal Bureau of Prisons and the Federal Bureau of Investigation on Violations of Federal Criminal Statutes
- DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge)
- Training records, *Investigative Intelligence – BOP (CSV-0600-BXX)*
- SIS/PREA National Video Conference Agenda
- SIS/SIA PREA Instructor Guide
- Office of Internal Affairs (OIA) Conducting Interviews & Union Issues lesson plan
- Interviews with the following:
 - Investigative Staff

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 28, indicates that additional training related to investigators roles includes, but is not limited to:

- Interviewing Sexual Abuse Victims
- Proper Use of Miranda and Garrity Warnings
- Conducting Sexual Abuse Investigations, including the collection of evidence in a confinement setting
- Criteria and evidence required to substantiate a case for administrative action
- Criteria and evidence required to substantiate a case for prosecutorial referral

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 28, further dictates that all training must be documented and verified through employee signature and must be retained by the agency.

The MOU between the FBOP and the Federal Bureau of Investigation (FBI) on Violations of Federal Criminal Statutes confirms the FBOP has made the FBI aware of all PREA requirements of provisions (a) through (e) of this standard.

The DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge), confirms the investigators have been provided special training per PREA guidelines.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 28, mandates investigators and other FBOP employees with PREA related responsibilities to receive additional training related to their roles to include, but not limited to:

- Interviewing Sexual Abuse Victims
- Proper Use of Miranda and Garrity Warnings
- Conducting Sexual Abuse Investigations, including the collection of evidence in a confinement setting
- Criteria and evidence required to substantiate a case for administrative action
- Criteria and evidence required to substantiate a case for prosecutorial referral

The Auditor was allowed to view the US Department of Justice, Bureau of Prisons, NIC training entitled "Sexual Abuse and the Initial Responder." There are currently five (5) chapters provided in this training course:

- Course Introduction
- PREA Investigations
- Working with Victims
- Interviewing Techniques
- Institutional Culture and Investigations

Through a review of training records and an interview with the YAN investigator, the Auditor was able to confirm that all training requirements have been met.

Provision (c)

As outlined previously in Provision (a) & (b) FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 28-29, address this provision.

The FBOP currently works with the FBI to conduct criminal investigation nationwide. YAN has three (3) investigators who conduct administrative investigations on the compound. The Auditor reviewed completed training records for each of the three (3) YAN SIS/SIA Investigators.

Provision (d)

The Auditor is not required to audit this provision.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN exceeds the standard which addresses policies regarding specialized training: investigations. No recommendations or corrective action is required.

Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.35 (a)

- 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 No NA
- 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 No NA
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA
- 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 No NA

115.35 (b)

- 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.)
 Yes No NA

115.35 (c)

- 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 No NA

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)
 Yes No NA

- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (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 No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 28-29
- Staff Training Materials, *PREA for Medical and Mental Health Care*
- Staff Course Completion Documentation, *PREA for Medical and Mental Health Care - BOP (CPG-0233-BXX)*
- Observations during on-site review
- Interviews with the following:
 - Medical and Mental Health Staff

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 28, dictates that all Medical and Mental Health employees, shall receive additional training to include, but is not limited to:

- a. How to detect and assess signs of sexual abuse and harassment.
- b. How to preserve physical evidence of sexual abuse.
- c. How to respond effectively and professionally to victims of sexual abuse and harassment.

d. How and to whom to report allegations or suspicions of sexual abuse and harassment

A review of the provided lesson plan/training materials demonstrate compliance with this training requirement.

Currently there are fifteen (15) contract and direct hire medical and mental health staff assigned to the facility. Through staff interview and review of training documents by the Auditor, each of the assigned staff members have attended the required training and meet all training requirements.

Provision (b)

N/A - All medical staff at YAN are prohibited by procedure from performing forensic examination on sexual abuse victims.

Provision (c)

As indicated in Provision (a), through staff interview and a review of the training documents by the Auditor, each of the assigned staff members have attended the required training and meet all training requirements. All training documentation is retained in the employee file, as required.

Provision (d)

The Auditor reviewed sign-in sheets and training materials that reflect the general PREA training that is mandated for FBOP employees, contractors and volunteers outlined in policy and PREA standards. The sign-in sheets confirm, in addition to specialized training, the contracted and direct hire medical staff received the general PREA training mandated for all FBOP employees.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the YAN meets the standard which addresses policies regarding specialized training: medical and mental health care. No recommendations or corrective action is required.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.41 (a)

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? Yes No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?
 Yes No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?
 Yes No

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?
 Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? Yes No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? Yes No

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior acts of sexual abuse? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior convictions for violent offenses? Yes No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, history of prior institutional violence or sexual abuse? Yes No

115.41 (f)

- Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? Yes No

115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a referral? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a request? Yes No
- Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse? Yes No
- Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? Yes No

115.41 (h)

- Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? Yes No

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 29-35, 49
- FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, Page 2, Section 5, Item b Screening and Classification
- FBOP Program Statement 5290.15, *Intake Screening*, dated March 30, 2009, pp. 2-4, section 7
- FBOP *Intake Screening Form*
- FBOP Psychology Services *Risk of Sexual Abusiveness Form*
- Attachment A: PREA Intake Objective Screening Instrument
- Warden Memo *Screening for Risk of Victimization and Abusiveness* dated December 9, 2019
- FBOP Reentry Services Division Memorandum Intake Screening Guidance – Prison Rape Elimination Act, dated September 11, 2014
- Observations during on-site review
- Interview with the following:
 - Chief Psychologist
 - Staff Responsible for Risk Screening
 - PREA Compliance Manager (PCM)

Provision (a)

FBOP Program Statement 5290.15, *Intake Screening*, dated March 30, 2009, pp.2-4, section 7, requires all FBOP facilities to the following intake procedures when processing all inmates into the facility: Upon arrival see all inmates for a social interview, medical review and assessment for risk of victimization or abusiveness prior to release to general population. Further, all inmates, at initial intake and upon transfer to another facility, shall be screened for potential risk of sexual vulnerability, potential risk of sexual aggression and self-injurious behavior and/or suicidal

ideation within 72 hours of arrival. Inmates who surpass the threshold on the screening form are referred to Psychology Services for an additional assessment regarding their level of risk, environmental considerations, and treatment needs.

Of the thirty-two (32) inmates who were interviewed relative to this provision twenty-nine (29) were able to recall being asked questions relative to their concern for sexual safety, and if they felt like they were going to harm themselves.

During the on-site audit, the Auditor was able to sit with a classification staff member responsible for conducting the Intake Screening and subsequently review classification screening documents. This staff member was able to guide the Auditor through the intake screening process, by modeling the process that each inmate is required to participate in during the initial screening and ongoing classification processes. The classification staff member discussed each of the documents and assessments utilized as we proceeded through the processes. The classification staff also modeled each of the questions, providing the Auditor with a clear and thorough understanding of the overall intake and classification process.

Provision (b)

As stated in (a), according to the listed policies all inmates must be screened within 72 hours of arrival.

The Auditor reviewed the PAQ which indicated in the past 12 months, 100% or 235 inmates were screened for the risk of sexual victimization or sexual abusiveness within 72 hours of their entry into the facility.

A list of inmates' arrival dates and dates of evaluation demonstrate compliance with this standard. From the roster of inmates, the Auditor chose three (3) files of inmates who had been interviewed and eighteen (18) files of inmates who had not been interviewed. The files were for inmates from varying housing units, ethnic and racial backgrounds. The names were chosen from a complete alpha roster of inmates. The Auditor went down the list and randomly chose names, in no order or sequence, from the roster.

Using this list, the Auditor reviewed twenty-one (21) random inmate files to ensure they received the training and how that training was completed. All twenty-one (21) files had verification that the initial screening had occurred within 72-hours of arrival at YAN.

Of the eighteen (18) random and fourteen (14) targeted inmates interviewed, all but three (3) of the inmates recalled being asked questions specific to previous Sexual Abuse & Harassment within three (3) days of their arrival at the facility. Three (3) of inmates interviewed indicated they did not remember if it happened. Of the inmates who remember participating in an intake screening, each indicated that it occurred the day of their arrival. A review of the files of the three (3) inmates who could not remember being asked these questions, revealed they had been asked the questions on the day they arrived.

As stated in (a), the Auditor was able to specifically question classification staff about the required questions. The classification staff replied that all of the PREA related questions are asked during initial intake and ongoing classification screenings.

Provision (c)

The Auditor reviewed copies of several intake forms and screening assessments from the classification staff, which were documented on the BOP SENTRY *Intake Screening Form*, YAN Psychology Services *Risk of Sexual Abusiveness Form*, and Attachment A: *PREA Intake Objective Screening Instrument*. An assessment that provides the intake and classification staff with an independently developed, validated and objective assessment used for screening assessments, as outline in the following paragraph.

FBOP Program Statement 5290.15, *Intake Screening*, dated March 30, 2009, pp. 2-4, section 7, requires all inmates to be seen upon arrival for a social interview, medical review, and assessment of risk for victimization or abusiveness prior to release to general population.

FBOP Program Statement 5324.12, pp.29-30, states all inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.

FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, Page 2, Section 5, Item b, Screening and Classification states staff conducting intake screenings of inmates must apply the criteria on the *PREA Intake Objective Screening Instrument* and report their findings on the *Intake Screening Form*.

Staff members who conduct Intake Screenings utilize Attachment A: *PREA Intake Objective Screening Instrument*, or FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program* for guidance in conducting an initial assessment of an inmate's risk of victimization and risk of abusiveness. Inmates who surpass the threshold on the screening form are referred to Psychology Services for an additional assessment regarding their level of risk, environmental considerations, and treatment needs. The inmate is reassessed within thirty (30) days, after the initial unit team meeting.

The Auditor was able to verify compliance with this provision through the review of twenty-one (21) inmate records, reflecting copies of the required assessments. A review of the *Psychology Services Risk of Sexual Abusiveness* form indicates the instrument is weighted and scored based upon responses to specific questions required in the Standard and Provision.

As stated in (a), the Auditor was able to interview classification staff who were able to walk the Auditor through the intake screening and classification process, which included an overview of the *Psychology Services Risk of Sexual Abusiveness* form as well as the *BOP Intake Screening Form*.

Provision (d)

The Auditor reviewed the Attachment A: *PREA Intake Objective Screening Instrument* and the BOP Psychology Services *Risk of Sexual Victimization* form and compared the questions with the requirements of Provision (d). All items required for Provision (d) have been included on the screening instruments. The included items are:

- Whether the inmate has a mental , physical or developmental disability
- The age of the inmate
- The physical build of the inmate
- Whether the inmate was previously incarcerated
- Whether the inmate’s criminal history is exclusively nonviolent
- Whether the inmate has prior convictions for sex offenses against an adult or child
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming.
- Whether the inmate has previously experienced sexual victimization
- The inmate’s own perception of vulnerability.
- Whether the inmate is detained solely for civil immigration purposes.

As stated in (a), the Auditor was able to observe the screening process and interview classification staff who were able to walk the Auditor through the intake screening and classification process, which included the Attachment A: *PREA Intake Objective Screening Instrument* and the BOP Psychology *Risk of Sexual Victimization* form.

Provision (e)

The Auditor reviewed the *Attachment A: PREA Intake Objective Screening Instrument* and compared the questions with the requirements for Provision (e). All items required for Provision (e) have been included in the screening instrument, which addresses Possible Sexual Predatory Risk Factors.

As stated in (a), the Auditor was able to observe the screening process, and interview classification staff who were able to walk the Auditor through the intake screening and classification process.

Provision (f)

The Auditor reviewed the PAQ which indicated that within the past 12 months, 100% or 235 inmates have been assessed for the risk of sexual victimization or risk of sexually abusiveness of other inmates within 30-days of their entry into the facility.

Of the eighteen (18) random and fourteen (14) targeted inmates, who arrived after PREA went into effect, all but three (3) indicated they recalled being asked questions relative to this standard. Most indicated they recalled being interviewed within a couple weeks after arrival. A review of the files of the three (3) who denied being asked these questions, revealed they had been reassessed within the thirty (30) day timeframe.

Out of the twenty-one (21) files which were reviewed by the auditor, all had been reassessed within thirty (30) days. These finished screening documents were completed by different staff, with each instrument being finalized consistent with the standard.

Provision (g)

FBOP Institution Supplement (IS) YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, Page 3, Section 5, Item b, Screening and

Classification states all inmates shall be reassessed for risk of sexual victimization and abusiveness within 28-days of arrival. Further, upon receipt of additional information that bears on an inmate's risk of sexual victimization or abusiveness an additional screening will be conducted. If it is determined a risk may be present, that was not there before, the inmate should be referred to Psychology Services for reassessment of their risk factors.

As stated in (a) the Auditor was able to sit with and interview classification staff who were able to walk the Auditor through the intake screening and classification process. Classification staff indicated they monitor the inmate population, and will re-assess when warranted due to a referral, request, incident of sexual abuse or receipt of additional information that may have bearing on the inmate's risk of victimization or abusiveness.

Provision (h)

FBOP Reentry Services Division Memorandum *Intake Screening Guidance – Prison Rape Elimination Act*, dated September 11, 2014 and FBOP Program Statement 5324.12, p.32, section (h), indicate inmates are not to be disciplined for refusing to respond or electing not to disclose complete information with regard to this provision. These policies specifically state if an inmate refuses to respond or elects not to disclose information that applies only to questions about disabilities; Gay, Lesbian, Bisexual, Transgender, Intersex (LGBTI) status; gender nonconformance; previous sexual victimization; and the inmate's self-perception of vulnerability, he/she may not be disciplined.

Classification staff indicated they do not discipline any inmate for their refusal to answer these questions during an assessment, rather each of them indicated they would explain the reason behind the question and attempt to solicit a response. However, no disciplinary action would be taken if the inmate chose not to respond.

Provision (i)

FBOP Program Statement 5324.12, p.32, section (i), indicates information related to sexual victimization or abusiveness, including the information entered into the comment section of the *Intake Screening Form*, is limited to a need-to-know basis for staff, only for the purpose of treatment and security and management decisions, such as housing and cell assignments, as well as work, education, and programming assignments.

As stated in (a), the Auditor interviewed classification staff. During that interview the classification staff indicated access to the inmate's classification information is secured, with controlled access by classification staff.

The Auditor interviewed the PCM regarding who can specifically access the screening information collected during intake and screenings, and was informed that Medical Staff, Mental Health Staff, Classification Staff and the PCM have access.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard which addresses Screening for Risk of Sexual Victimization and Abusiveness. No recommendations or corrective action is required.

Standard 115.42: Use of screening information

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.42 (a)

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? Yes No
- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? Yes No

115.42 (b)

- Does the agency make individualized determinations about how to ensure the safety of each inmate? Yes No

115.42 (c)

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the **agency** consider, on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? Yes No
- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? Yes No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?
 Yes No

115.42 (e)

- Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? Yes No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? Yes No

115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33
- FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, pp.2-3
- BOP Inmate Screening Form
- Inmate Files
- Interview with the following:
 - Staff Responsible for Risk Screening
 - PREA Compliance Manager (PCM)
 - National PREA Coordinator (NPC)
 - Random Inmates

Provision (a):

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33, (a), indicates the agency shall use information from the risk screening required by §115.41 to inform housing, bed, work, education and program assignments with the goal of keeping separate those inmates at high risk of being sexual victimized from those at high risk of being sexual abusive.

FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, pp. 2-3, specifies the Unit Team Staff conducting screenings of inmates must apply the criteria on the PREA Intake Objective Screening Instrument and report their findings on the *Intake Screening* form. If there are no significant findings, staff shall make an entry stating, "No PREA Criteria Met," in the comment section applicable to victimization or abusiveness. Upon identification of inmates "at risk of victimization", the Unit Team must send an email to YAN/Psychology Services. Psychology Services will see the inmate within 14-days. If abusiveness occurred in BOP custody and has not been documented in BOP records, the Captain will be notified and will ensure documentation includes a current SENTRY STG assignment pertaining to the alleged victim. If the victimization occurred in a non-BOP setting, staff should document the incident and provide an appropriate referral to Psychology Services. During their respective screenings, Health Services, Psychology Services and Unit Management will also screen for sexual victimization/predation.

The PCM indicated every assessment completed by staff is factored into the placement and programming of each inmate. He further stated the inmate's risk levels, housing and program assignments are guided with the use of these various assessments ensuring that every inmate, especially those at high risk of being sexually victimized, are separated from those at high risk of being sexually abusive.

Following a review of twenty-one (21) inmate records, the Auditor was able to verify that the information from these assessments was being utilized in the various classification decisions made by staff.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33 (b), indicates the information obtained during the screening process and PREA Mental Health Assessment is used to make individualize and safety based determinations and assist in the initial classification and institutional assignment of the inmate, as well as determine work, education and program assignments.

During interviews with staff who are responsible for risk screening, the Auditor was informed that because of the assessment procedures being utilized, each inmate is individually evaluated. Staff not only use the assessment procedures which are in place, additional consideration is given to the discussions with each individual inmate when making classification and housing decisions.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33, (c), requires that when deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the institution shall consider on a case-by-case basis whether the placement would ensure the inmate's health and safety, and whether the placement would present management or security concerns.

During interviews with Intake Staff that are responsible for risk screening, they indicated the Transgender or Intersex inmates view of their own safety is taken into serious consideration when determining housing placements and programming assignments. In addition, the staff who are responsible for risk screening indicated because of the assessments that are utilized, each inmate is evaluated individually.

The interview notes of the NPC, indicated according to FBOP policy, the gender identification of each inmate is initially determined by their sex assignment at birth; however, from that point forward every inmate is individually assessed and classified in order to ensure the safety of each inmate, as well as the safety of the inmate population.

There were no inmates at YAN who identified as Transgender or Intersex at the time of the audit.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33, (d), states that placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

During interviews with the NPC, PCM and Intake Staff responsible for screening, all specified the Transgender or Intersex inmate's views of their own safety is given great weight when making decisions regarding housing placement or programming assignments. They further confirmed that regular classification reassessments are conducted a minimum of every six (6) months, or if the inmate is involved in an incident of a sexual nature.

There were no inmates at YAN who identified as Transgender or Intersex at the time of the audit.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33, (e), shows that a transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.

During interviews with the NPC, PCM and Intake Staff responsible for screening, all specified the Transgender or Intersex inmate's views of their own safety is given great weight when making decisions regarding housing placement or programming assignments. These inmates are interviewed further to determine enemies and potential or perceived threats. Housing placement and programming assignments are based on this information.

There were no inmates at YAN who identified as Transgender or Intersex at the time of the audit.

Provision (f)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33, (f), reveals Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

According to the NPC, PCM and the staff responsible for risk screening, each indicated the Transgender or Intersex inmate's views of their own safety is given serious consideration when providing showering options. In addition, they clarified, Transgender or Intersex inmates would be able to shower separately from other inmates by utilizing alternate shower times.

As previously identified, each of the housing units have bathrooms with shower stalls that are not easily seen by staff. The random staff who were interviewed also indicated that if a Transgender or Intersex inmate asked to shower separately, they would arrange a separate shower time from the other inmates. It was indicated that the alternate shower time would probably be thirty (30) minutes before or after other inmates are allowed to shower.

As previously stated, there were no inmates at YAN who identified as Transgender or Intersex at the time of the audit.

Provision (g)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33, (g), specifies the agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

The interview with the NPC and the PCM, both indicated that neither the FBOP or YAN are under any consent decree, legal settlement, or legal judgment requiring the establishment of a dedicated facility, unit or wing for lesbian, gay, bisexual, transgender or intersex (LGBTI) inmates. Both indicated that all LGBTI inmates are housed within the general population unless specific issues are present and only then the appropriate staff will meet with the inmate and address the concerns.

As previously stated, there were no inmates at YAN who identified as Transgender or Intersex at the time of the audit.

Conclusions:

Based upon the review and analysis of all available evidence, the Auditor has determined the YAN meets the standard requiring the use of screening information. No recommendation or corrective action is required.

Standard 115.43: Protective Custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.43 (a)

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? Yes No
- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? Yes No

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? Yes No

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? Yes No
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.) Yes No NA

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? Yes No
- Does such an assignment not ordinarily exceed a period of 30 days? Yes No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the basis for the facility's concern for the inmate's safety? Yes No
- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the reason why no alternative means of separation can be arranged? Yes No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 33-35
- Warden Memo, *PREA Standard 115.43 (e)-1 Involuntary Segregation Housing Unit Assignments*, dated December 9, 2019
- Interview with the following:
 - Chief Psychologist
 - PREA Compliance Manager

Provision (a):

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 33, (a), specifies that inmates at high risk for sexual victimization or those who report sexual victimization shall not be placed in involuntary administrative or punitive segregation unless there has been an assessment of all other available alternatives and a determination made that there are no other alternatives available.

During the past twelve (12) months there have been no inmates placed into involuntary administrative or punitive segregation in accordance with this standard. The PAQ reflects this information and a statement of non-occurrence signed by the Warden affirm this fact. The Auditor interviewed the Chief Psychologist and the PCM specific to this issue and they both confirmed there have not been any inmates placed in protective custody in the past twelve (12) months. The Warden Memo, *PREA Standard 115.43 (e)-1 Involuntary Segregation Housing Unit Assignments*, dated December 9, 2019, confirms this.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 34, (b), indicates that inmates placed into segregated housing as the only means of protecting such an inmate shall have access to all programs, privileges, education and work opportunities, to the extent possible, and it shall only be until an alternative means of separation from the likely accuser can be arranged, a time period not to ordinarily exceed thirty (30) days. In these cases, the facility shall clearly document the basis for the facility's concerns for the inmate's safety and the reason why no alternative means of separation can be arranged.

During the past twelve (12) months there have been no inmates placed into involuntary administrative or punitive segregation in accordance with this standard. The PAQ reflects this information and a statement of non-occurrence signed by the Warden affirms this fact. The Auditor interviewed the Chief Psychologist and the PCM specific to this issue and they both confirmed there have not been any inmates placed in protective custody in the past twelve (12) months. Consequently, no inmates could be interviewed relative to this provision.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 34, (c), states the facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30-days.

During the past twelve (12) months there have been no inmates placed into protective custody in accordance with this standard, specific to a period longer than 30-days while awaiting alternative placement. The Warden Memo, *PREA Standard 115.43 (e)-1 Involuntary Segregation Housing Unit Assignments*, dated December 9, 2019, confirms this fact.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 34, (d), indicates if an involuntary segregation housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:

1. The basis for the facility's concern for the inmate's safety
2. The reason why no alternative means of separation can be arranged.

According to the Warden Memo, *PREA Standard 115.43 (e)-1 Involuntary Segregation Housing Unit Assignments*, dated December 9, 2019, involuntary segregated housing has not occurred in the past 12-months.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 34, (e), states inmates placed into segregated housing as the only means to protect such an inmate shall be afforded reviews by the facility every thirty (30) days to determine whether there is a need to continue separation from the general population.

During the past twelve (12) months there have been no inmates placed into protective custody in accordance with this standard. The Warden Memo, *PREA Standard 115.43 (e)-1 Involuntary Segregation Housing Unit Assignments*, dated December 9, 2019 documents this fact.

Conclusions:

Based upon the review and analysis of all available evidence, the Auditor has determined the YAN meets the standard relative to protective custody. No recommendation or corrective action is required.

REPORTING

Standard 115.51: Inmate reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for inmates to privately report staff neglect or violation of responsibilities that may have contributed to such incidents? Yes No

115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? Yes No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? Yes No
- Does that private entity or office allow the inmate to remain anonymous upon request? Yes No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes) Yes No NA

115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? Yes No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? Yes No

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 35, 37
- FBOP Program Statement (PS) 3420.11, *Standards of Employee Conduct*, dated 12/6/2013, pp. 4-6
- Warden Memorandum, *PREA Standard 115.51 (b)-1 Inmate Reporting*, dated December 9, 2019
- Warden Memorandum, *PREA Standard 115.51 (c)-1 Inmate Reporting*, dated December 9, 2019
- U.S. Department of Justice (USDOJ), Federal Bureau of Prisons (FBOP), *Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders*, dated July 2018
- Warden Memorandum, *PREA Standard 115.51 (c)-2 Inmate Reporting: Verbal Reports*, dated December 9, 2019
- Gratuitous Services Agreement between YAN and River City Domestic Violence Center (RCDVC), dated August 9, 2018
- PREA Poster in English and Spanish
- Observations during on-site review
- Interview with the following:
 - PREA Compliance Manager (PCM)
 - Random Staff
 - Random Inmates

Provision (a):

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 35, (a), specifies that the FBOP shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmates may report sexual abuse or sexual harassment verbally or in writing, third party or anonymously. Inmates may file a grievance, call the PREA hotline, contact SIS through TRULINCS on the computer, tell the PCM, or they may tell any staff, contractor or volunteer and expect the information to be reported immediately and thoroughly investigated as indicated in this policy.

Of the thirteen (13) random staff, three (3) management level staff, twenty (20) specialized staff, one (1) volunteer and one (1) contractor that were interviewed, all indicated they would accept a report or allegation from the inmate and provide it to their supervisor for further direction. They each also reported inmates can report several different ways which includes telling a staff member, calling the PREA hotline posted throughout the facility, or telling a family member. Staff interviewed stated inmates can privately report sexual abuse or sexual harassment as well; through the hotline number or notifying SIS through TRULINCS on the inmate computers.

Of the eighteen (18) random inmates and fourteen (14) targeted inmates interviewed, all reported that they were aware of multiple ways to report incidents of sexual abuse or sexual harassment. These included using the hotline number, contacting the PCM, have family member contact the institution, contacting a staff member, and notifying SIS via TRULINCS. Most indicated they would tell a staff member first.

During the on-site portion of the audit, the Auditor observed numerous different PREA posters in both English and Spanish throughout the facility. These posters were observed in each housing unit, common areas, main hallways, intake holding area, dining room, etc. The Auditor checked numerous inmate telephones throughout the facility, and all were in working order and readily available in each housing unit. Likewise, all the inmate computers throughout the facility were in working order and readily available to each inmate in their respective housing units.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 35, (b), specifies the agency shall provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. It goes on to say inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant official at the Department of Homeland Security.

The Warden Memorandum, *PREA Standard 115.51 (b)-1 Inmate Reporting*, dated December 9, 2019, states inmates are able to submit a report to the Office of Inspector General (OIG) from their personal email or through legal mail procedures. These emails are untraceable at the institution level.

The Auditor reviewed a copy of the Gratuitous Services Agreement between YAN and RCDVC, dated August 9, 2018. This agreement is to provide YAN inmates a private entity or office, to contact that is not part of the FBOP, in the event of sexual abuse or sexual harassment. According to the agreement, RCDVC will immediately forward all inmate reports of sexual abuse and sexual harassment to agency officials and they will allow the inmate to remain anonymous if requested.

The PCM was interviewed regarding the FBOP's process for providing one way for the inmate population to report abuse or harassment to a public or private entity. He indicated YAN has a Gratuitous Services agreement with RCDVC, which serves as an outside agency that provides an avenue for the inmate population to contact them and leave an anonymous message. He further stated that these messages are provided directly to the agency level PREA Coordinator for appropriate follow-up and resolution. The Auditor was able to view spreadsheets, which identify the facility and the issue; however, there is no indication of who the reporting party is, therefore, maintaining anonymity.

Of the eighteen (18) random inmates and fourteen (14) targeted inmates interviewed regarding this provision, all were familiar with the RCDVC. All of the inmates reported they were aware they could make a report via the telephone without providing their name or ID number.

During the on-site tour each phone that was tested was in working order and could call out to the local PREA Hotline at 605-665-1448, as well as the National Sexual Abuse Hotline at 1-800-656-4673. Both provided sufficient time to leave a detailed message to follow-up and never required personal identifying information. Additionally, YAN uses LanguageLine Solutions for interpreter services, which is used when a staff member is not available who is bilingual.

YAN does not detain inmates solely for civil immigration purposes.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 35, (c), states FBOP employees, including YAN employees, can receive information, including verbal, written, third party reports or anonymous complaints, concerning inmate sexual abuse, sexual harassment and custodial sexual misconduct.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 37, (a), states that the agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion or information regarding sexual abuse, sexual harassment that occurred in the facility, whether or not it is part

of the agency; retaliation against inmates or staff who reports such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident of retaliation.

The Warden Memorandum, *PREA Standard 115.51 (c)-1 Inmate Reporting*, dated December 9, 2019, states each staff member is responsible for forwarding allegations including those from anonymous sources (e.g. notes), those from third parties, and those from external agents. This is consistent with the national policy and reinforced during Annual Refresher Training and on conference calls for all staff.

U.S. Department of Justice (USDOJ), Federal Bureau of Prisons (FBOP), *Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders*, dated July 2018, page three (3), list the following ways an inmate can report an incident of sexually abusive behavior:

- Tell a staff member you trust (case manager, Chaplain, Psychologist, SIS, PCM, Warden)
- Write directly to the Warden, Regional Director or Director
- File an Administrative Remedy
- Write the Office of the Inspector General (OIG)
- Email OIG via TRULINCS

Addresses are given for each method of reporting. It specifically identifies the emails to OIG as a way to report anonymously, stating these emails:

- are untraceable at the local institution
- are forwarded directly to OIG
- will not be saved in your email "Sent" list
- do not allow for a reply from OIG
- If you want to remain anonymous to the FBOP, you must request it in the email to OIG

Of the eighteen (18) random inmates, and fourteen (14) targeted inmates interviewed regarding this provision, 100% indicated they were aware they are able to make reports of sexual abuse or sexual harassment in person and in writing.

Warden Memorandum, *PREA Standard 115.51 (c)-2 Inmate Reporting: Verbal Reports*, dated December 9, 2019, states during the past twelve (12) months, FPC Yankton has had zero (0) instances of verbal reports of sexual assault.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 35, (d), states the agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

Through interviews with thirteen (13) random staff, three (3) management level staff, twenty (20) specialized staff, several methods for staff to privately report sexual abuse of inmates were identified. All staff indicated they may choose to make a private report to their supervisor, another supervisor, the National PREA Coordinator, OIG, SIS or the PCM.

Conclusions:

Based upon the review and analysis of all available evidence, the Auditor has determined YAN meets the standard relative to inmate reporting. No recommendation or corrective action is required.

Standard 115.52: Exhaustion of administrative remedies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate 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 No

115.52 (b)

- Does the agency permit inmates 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 No NA
- Does the agency always refrain from requiring an inmate 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 No NA

115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) Yes No NA
- 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 No NA

115.52 (d)

- 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 inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate 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 No NA

- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) Yes No NA
- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- After receiving an emergency grievance alleging an inmate 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 No NA
- 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 No NA
- 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 No NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) Yes No NA
- 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 No NA

- 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 No NA

115.52 (g)

- If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, pp. 13-16
- FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 36
- Warden Memorandum, *PREA Standard 115.52 (d)-4 Exhaustion of Administrative Remedies: Extension of Time Frame*, dated December 9, 2019
- Warden Memorandum, *PREA Standard 115.52 (d)-6 Exhaustion of Administrative Remedies: Extension of Time Frame*, dated December 9, 2019
- Observations during on-site review.

Provision (a):

In the PAQ facility reported the agency has an administrative procedure for dealing with inmate grievances regarding sexual abuse and sexual harassment. The PAQ also reflects, YAN two (2) grievances in the past twelve (12) months.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 36, states to see the Program Statement *Administrative Remedy Program*, or current version of the policy.

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p.13, (a) states the FBOP has an administrative remedy system, and therefore section 115.52 (a) does not apply.

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p.1, (a) indicates the purpose of the Administrative Remedy Program is to allow an inmate to seek formal review of an issue relating to any aspect of his own confinement.

Provision (b)

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p. 13, (b), 1-4, states the following:

1. The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
2. The agency may apply otherwise applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.
3. The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
4. Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that the applicable state of limitations has expired.

Provision (c)

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p. 14, (c), states the agency shall ensure:

1. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint
2. Such grievance is not referred to a staff member who is the subject of the complaint.

Provision (d)

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p. 14 (d) 1-4 states:

1. The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within ninety (90) days of the initial filing of the grievance
2. Computation of the ninety (90) day time period shall not include time consumed by inmates during the course of an administrative appeal.
3. The agency may claim an extension of time to respond, of up to seventy (70) days, if the normal time period for response is insufficient to make an appropriate decision. The

agency shall notify the inmate 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 inmate does not receive a response within the time allotted for replay, including any properly notices extension, the inmate may consider the absence of a response to be a denial at that level.

The Warden Memorandum, *PREA Standard 115.52 (d)-4 Exhaustion of Administrative Remedies: Extension of Time Frame*, dated December 9, 2019, states during the past twelve (12) months, there were zero (0) instances where an extension of time was required.

The Warden Memorandum, *PREA Standard 115.52 (d)-6 Exhaustion of Administrative Remedies: Extension of Time Frame*, dated December 9, 2019, states during the past twelve (12) months, there were zero (0) instances where an inmate submitted a grievance alleging sexual abuse by a staff member that required an extension of allowed time frame. As such there were no instances in which an extension was required.

During the on-site review of documentation, the Auditor confirmed all time frames had been met and no extensions were needed.

Provision (e)

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p. 14 (e) 1-3 states:

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

Provision (f)

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p. 14-15, (f) 1-2 states:

1. The agency shall establish procedures for the filing of an emergency grievance where an inmate is subject to a substantial risk of imminent sexual abuse.

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

Provision (g)

FBOP Program Statement (PS) 1330.18, *Administrative Remedy Program*, dated 1/6/2014, p. 15, (g) states the agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.

Conclusions:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding exhaustion of administrative remedies. No recommendations or corrective action is required.

Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? Yes No
- 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? (N/A if the facility *never* has persons detained solely for civil immigration purposes.) Yes No NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? Yes No

115.53 (c)

- Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? Yes No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 36
- Gratuitous Services Agreement between YAN and River City Domestic Violence Center (RCDVC), dated August 9, 2018
- YAN, *Admission and Orientation Handbook*, dated July 2019 – English and Spanish
- PREA Posters
- Observations during on-site review
- Interviews with the following:
 - Inmate who reported sexual abuse
 - Random Inmates

Provision (a)

On the PAQ the facility reported it provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

- Giving inmates mailing addresses and telephone numbers (including toll-free numbers) for local, state, or national victim advocate or rape crisis organizations

- Giving inmates mailing addresses and telephone numbers (including toll free numbers) for immigrant service agencies for persons detained solely for civil immigration purposes
- Enable reasonable communication between inmates and these organizations in a confidential a manner as possible.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 36, states the facility shall provide advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state or national victim advocacy or rape crisis organizations, and for persons detained solely for immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential manner as possible.

The Gratuitous Services Agreement between YAN and RCDVC, dated August 9, 2018, establishes collaboration between YAN and RCDVC to provide confidential support services related to sexual abuse to individuals at YAN.

The Auditor spoke with a representative from RCDVC and was informed a victim advocate is made available to be present with the victim before, during and following the examination. Additionally, the advocate conducts follow-up contacts with the victim to ensure aftercare is arranged and firmly in place.

Of the eighteen (18) random and fourteen (14) targeted inmates interviewed, only six (6) reported they had no knowledge of RCDVC.

Each inmate who was familiar with RCDVC, reported the call was free and confidential. Each responded they knew about an outside agency because of the PREA training and the posters around the facility. Each responded they knew some of the information they provided might be given to the facility staff.

During the tour of the facility, the Auditor observed posters throughout the facility. The posters regularly stated, "You have a right to be free from sexual assault" or "zero tolerance for sexual abuse or assault". The posters had a victim support telephone number to call. An inmate can also go to any inmate computer and be connected to TRULINCS, for free, and confidentially report sexual abuse or assault. The Auditor utilized the telephone number provided and was able to confirm it was functioning for the identified services. Lastly, postings around the facility as well as the *A&O Handbook* let inmates know they have the ability to notify the PCM, or other staff member, of any incident of sexual abuse or harassment.

Provision (b)

On the PAQ the facility reported it tells inmates the extent to which communications will be monitored and the limits of confidentiality due to mandatory reporting laws,

During the tour of the facility, the Auditor tested several pay phones to ensure they worked. Each time the telephones functioned appropriately. The phones are checked once on each shift by an intermediate or higher-level staff member to make sure they are in working order to reach the outside support agency without difficulty.

Of the eighteen (18) random and fourteen (14) targeted inmates interviewed, only six (6) reported they had no knowledge of RCDVC. Each inmate who reported knowledge of the community agency stated they understood there were limits to confidentiality and some information might be reported back to facility staff.

The Auditor spoke with a representative from RCDVC and was instructed a victim advocate is made available to be present with the victim before, during and following the examination. The representative reported RCDVC staff have a responsibility to inform any victim that some information the victim shares with them may need to be provided to facility staff. This information may be medical and/or non-medical, for purposes such as institutional security, PREA investigation, and further medical and mental health services.

Provision (c)

On the PAQ the facility reported it has an agreement with a community service provider and maintains copies of that agreement.

The Gratuitous Services Agreement between YAN and RCDVC, dated August 9, 2018, establishes collaboration between YAN and RCDVC to provide confidential support services related to sexual abuse to individuals at YAN. The facility maintains a copy of this agreement. A copy of the agreement was provided to the Auditor.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding inmate access to outside confidential support services. No recommendations or corrective action is required.

Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? Yes No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

Does Not Meet Standard (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 37
- FBOP webpage link

Provision (a)

On the PAQ, the facility reported there is access to third-party reporting through their agency website.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 37, states the agency shall establish a method to receive third party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.

The FBOP has provided access to a third-party reporting process through their agency website. On the agency website, the individual wishing to report a PREA related incident can access this through the following link:

https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp This link allows for the initiation of a third-party request.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding third party reporting. No recommendations or corrective action is required.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.61 (a)

- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? Yes No
- Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? Yes No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? Yes No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? Yes No
- Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? Yes No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? Yes No

115.61 (e)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 37-38
- Interviews with the following:
 - Random Staff
 - Facility Head or designee - Associate Warden (AW)
 - National PREA Coordinator (NPC)
 - PREA Compliance Manager (PCM)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 37, (a), specifies the FBOP shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to any incident or retaliation.

During interviews with thirteen (13) random staff, three (3) management level staff, twenty (20) specialized staff, one (1) volunteer and one (1) contractor, 100% were aware of this requirement and were able to explain how they would immediately report an allegation of sexual abuse in a manner compliant with policy. Moreover, each verbalized information received from a victim should remain confidential, with them only notifying staff that needed to know, i.e. their supervisor, medical staff, etc. All staff indicated PREA related allegations and reports go to the PCM, who then notifies the investigative staff.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 38, (b), states apart from reporting to designated supervisors or official, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation and other security and management decisions.

During interviews with thirteen (13) random staff, three (3) management level staff, twenty (20) specialized staff, one (1) volunteer and one (1) contractor, 100% were aware of this requirement and were able to verbalize how they would immediately report an allegation of sexual abuse. Further, each articulated information received from a victim should remain confidential, with them only notifying staff that needed to know, i.e. their supervisor, medical staff, etc.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 38, (c), declares unless otherwise precluded by Federal, State or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

During interviews with medical and mental health individuals, 100% were aware of this requirement and were able to verbalize how they would immediately report an allegation of sexual abuse. Further, each verbalized their understanding of the policy as well as their rights and responsibilities. They all articulated they were obligated to advise the victim (inmate) of the limitations of confidentiality, due to the mandatory reporting law, prior to the initiation of services.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 38, (d), mandates that if the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

Interviews with the AW, using the interview protocol for the facility head, and the NPC, revealed they were aware of this requirements and would report any abuse allegations to the appropriate agency, as required by law, as well as the PCM and facility and/or agency investigators.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 38, (e), indicates the facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

In interviews with the NPC and PCM, using the interview protocol for the PREA compliance manager, each confirmed allegations of sexual abuse and sexual harassment are reported to the PCM and SIS investigators.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding staff and agency reporting duties. No recommendations or corrective action is required.

Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 38
- Interviews with the following:
 - Agency Head (AH)
 - Facility Head or designee - Associate Warden (AW)
 - Random Staff

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 38, states that when an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediately action to protect the inmate.

Interview notes reflect the AD indicated if she received such information, she would contact the facility where the inmate was housed and if necessary, the inmate could be temporarily transferred while the investigation was completed. If the perpetrator was identified, the perpetrator would be placed in disciplinary segregation pending completion of the investigation.

The Auditor interviewed the AW, using the interview protocol for the facility head, who stated he would take immediate action to protect the victim (inmate). The victim might be moved to another area of the facility or to another facility all together, depending on what was needed to protect the victim. He stated the perpetrator, if known, would be placed in their segregated housing unit.

During random staff interviews, all staff reported if they received an allegation from an inmate, they would immediately separate the victim and the perpetrator, safeguard the victim, contact their supervisor and preserve evidence.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding agency protection duties. No recommendations or corrective action is required.

Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? Yes No

115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? Yes No

115.63 (c)

- Does the agency document that it has provided such notification? Yes No

115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 39-40
- Warden Memorandum, *PREA Standard 115.63 (a)-2 (c-1 Notification to Other Facilities*, dated December 9, 2019
- Interviews with the following:
 - Agency Head or designee (AH)
 - Facility Head or designee - Associate Warden (AW)
 - National PREA Coordinator (NPC)
 - PREA Compliance Manager (PCM)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 39, (a) mandates the Warden, upon receiving an allegation that an inmate was sexually abused while confined in another facility, shall notify the lead of the other facility of the alleged abuse.

The Warden Memorandum, *PREA Standard 115.63 (a)-2 (c)-1 Notification to Other Facilities*, dated December 9, 2019, states during the past twelve (12) months they have received zero (0) instances where an inmate alleged being abused by another inmate who was at another correctional facility.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 39, (b) mandates that such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 40, (c) indicates the agency shall document that it has provided the notification.

The Warden Memorandum, *PREA Standard 115.63 (a)-2 (c)-1 Notification to Other Facilities*, dated December 9, 2019, states during the past twelve (12) months they have received zero (0) instances where an inmate alleged being abused by another inmate who was at another correctional facility.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 40, (d), the facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

A review of interview notes reveal that the AH, NPC and the PCM all confirmed any notification received regarding a PREA incident, whether it be sexual abuse or sexual harassment or sexual misconduct that occurred within any FBOP facility will be investigated in accordance with the guidelines of Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015.

The AH, NPC and PCM all indicated once an allegation of sexual abuse or sexual harassment is received from another agency, it is immediately assigned to an SIS investigator to conduct the investigation.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding reporting to other confinement agencies. No recommendations or corrective action is required.

Standard 115.64: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?
 Yes No
- Upon learning of an allegation that an inmate 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 No
- Upon learning of an allegation that an inmate 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 No
- Upon learning of an allegation that an inmate 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 No

115.64 (b)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 40
- Interviews with the following:
 - Facility head or designee – Associate Warden (AW)
 - Custody Staff - First Responders
 - Non-Custody - First Responders

Provision (a)

FBOP Program Statement (PS) 5324.12 *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 40, (a), 1-4, states that upon learning of an allegation that an inmate was sexually abused, the first custody staff member to respond shall be required to:

1. Separate the alleged victim and abuser
2. Protect and preserve the crime scene until appropriate steps can be taken to collect evidence
3. If the abuse occurred with a time period that still allows for the collection of physical evidence, request the alleged victim not take any actions that could destroy evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating
4. If the abuse occurred with a time period that still allows for the collection of physical evidence, ensure the alleged abuser does not take any actions that could destroy evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating

On the PAQ, YAN indicated they had two (2) grievances for alleged sexual abuse and harassment in the past 12-months. The PCM provided grievances for (2) two allegations of

sexual abuse, sexual harassment or retaliation. One (1) was for sexual abuse and one (1) was for sexual harassment.

The documentation review included the original complaint, the referral for investigation, referrals for mental health, and all subsequent available paperwork, including administrative remedy forms and responses where applicable. On the sexual abuse allegation, the YAN staff did utilize the evidence collection protocols correctly.

Both cases were investigated appropriately, and both were determined unsubstantiated. The inmates were given proper notice of the findings and the cases have been closed. However, one inmate continues to file Administrative Remedies in hopes of being transferred to a different facility within 500 miles of his release destination.

The AW, during his interview using the interview protocol for the facility head, indicated First Responder staff have been trained in the PREA process, and frequent training is conducted to ensure competency and compliance.

During staff interviews, all staff, were able to articulate to the Auditor, step-by-step how to respond to a PREA incident. All staff, volunteers and contractors were aware of the mandate to separate the perpetrator from the victim, preserve physical evidence, as well as the area the incident occurred, seek medical aid, as needed, and report the incident.

During interviews with First Responders, all stated they were trained in the PREA process through annual in-service training, on the job training, and staff meetings. Each verbalized the PCM is constantly reminding them of PREA policies and speaking with them regarding the importance of PREA and sexual safety.

Non-custody staff who were interviewed, all stated they would notify custody staff, separate the victim and the perpetrator, direct the victim and the perpetrator not to do anything to destroy evidence and keep the scene secure until custody staff arrived. They all verbalized the importance of, as well as their understanding of the need for confidentiality in all cases.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 40, (b), states that if the first staff responder is not a custody member, the responder shall be required to request that the alleged victim not take any actions that could destroy evidence, and then notify custody staff.

The Auditor's review of the PREA training curriculum for all staff, volunteers and contractors received, identifies whoever received the information first, as a First Responder, including staff, volunteers and contractors. As a First Responder these individuals are trained to take steps to isolate and contain the situation, secure the scene, separate the alleged victim from the alleged perpetrator, remove all uninvolved parties, relay any observations to SIS investigators, PCM or the Operations Lieutenant.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding staff first responder duties. No recommendations or corrective action is required.

Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.65 (a)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 40-42
- FBOP, Institution Supplement (IS), YAN 5324.12E, *Sexually Abusive Behavior Prevention and Intervention Program*, dated May 10, 2019, Attachment A
- Warden Memorandum, *PREA Standard 115.65 (a)-1 Coordinated Response*, dated December 9, 2019
- ONESource First Responder Reference Guide, Sexual Assault Crisis Intervention
- Interviews with the following:
 - Facility Head or designee - Associate Warden (AW)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 40, states the facility shall 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.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 40, gives the responsibilities of all staff members upon learning of an allegation of a PREA related incident.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 40-41, gives the responsibilities of the Operations Lieutenant upon learning of an allegation of a PREA related incident.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 41, gives the responsibilities of the PREA Compliance Manager upon learning of an allegation of a PREA related incident.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 41, gives the responsibilities of the Correctional Services staff upon learning of an allegation of a PREA related incident.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 41, gives the responsibilities of the Psychology Services staff upon learning of an allegation of a PREA related incident.

Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 41, gives the responsibilities of the Health Services staff upon learning of an allegation of a PREA related incident.

The Warden Memorandum, *PREA Standard 115.65 (a)-1 Coordinated Response*, dated December 9, 2019, states YAN coordinates actions taken in response to an incident of sexual abuse among first responders, medical and mental health professions, investigators and Executive Staff. First responders are guided by the One Source First Responders guide. Following the initial response continued coordination between departments is achieved through PREA after action meetings and use of the One Source First Responders guide.

The AW confirmed, during his interview with the Auditor as the facility head designee, that the coordinated response has been identified in the policies listed above. He indicated each item breaks down what the various responsibilities are for the respective staff members and positions. Training is provided routinely through annual in-service training, monthly staff meetings and on the job training. He further verbalized the staff have access to the *ONESource First Responder Reference Guide, Sexual Assault Crisis Intervention*, which gives step by step instructions for first responders, and states exactly what the next staff member is required to do, etc. The form has a place to mark off when the objective or responsibility has been completed and a place for comments.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN exceeds the standard regarding coordinated response. No recommendations or corrective action is required.

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.66 (a)

- 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 inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 42
- Master Agreement between the FBOP and Council of Prisons Locals, American Federation of Government Employees, p. 70, section g
- Warden Memo, *PREA Standard 115.66 (a)-1, Local Agreements between Management and the Union*, dated December 9, 2019

- Interviews with the following:
 - Human Resources (HR)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 42, (a), states neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 42, (b), states nothing in this standard shall restrict the entering into or renewal of agreements that govern:

- The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §115.72 and §115.76; or
- Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated.

Master Agreement between the FBOP and Council of Prisons Locals, American Federation of Government Employees, p. 70, Section g, states the employer retains the right to respond to an alleged offense by an employee which may adversely affect the employer's confidence in the employee or the security or orderly operation of the institution. The employer may elect to reassign the employee to another job within the institution or remove the employee from the institution pending investigation and resolution of the matter in accordance with applicable laws, rules and regulations.

The Warden Memo, *PREA Standard 115.66 (a)-1, Local Agreements between Management and the Union*, dated December 9, 2019, states YAN does not have a Local Supplement Agreement (LSA) with our Local Union. We do not have any collective bargaining agreements other than the Master Agreement.

According to human resources personnel, management does have the right to separate the inmate from a staff member who is the subject of an investigation. This separation can either be temporarily reassigning the employee, redirecting the employee or restricting the employee from the grounds during the investigation.

Provision (b)

Auditor is not required to audit this provision.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding preservation of ability to protect inmates from contact with abusers. No recommendations or corrective action is required.

Standard 115.67: Agency protection against retaliation

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.67 (a)

- Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? Yes No
- Has the agency designated which staff members or departments are charged with monitoring retaliation? Yes No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services, for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.67 (c)

- 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 inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- 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 inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? Yes No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? Yes No
- 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 inmate disciplinary reports? Yes No
- 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 inmate housing changes? Yes No
- 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 inmate program changes? Yes No

- 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 No
- 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 No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? Yes No

115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks? Yes No

115.67 (e)

- 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 No

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 42-43
- Interviews with the following:
 - Facility Head or designee - Associate Warden (AW)

- Captain
- PREA Compliance Manager (PCM)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 42, (a), indicates the agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff member or departments are charged with monitoring retaliation.

According to the PAQ, the Captain of the Correctional Services Department at YAN has been identified as the individual who is primarily responsible for monitoring possible retaliation.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 42, (b), indicates the agency shall employ multiple protective measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

In the interview with the AW, using the interview protocol for the facility head, the Auditor was informed there are multiple measures used to protect inmates and staff from retaliation. These measures include considering and monitoring if the inmate is being given changes in housing assignments, work assignments or an increase in disciplinary reports. The monitoring of staff includes watching for negative performance reviews or work reassignments.

Provision (c)

According to the PAQ, YAN generally monitors for retaliation for a period of 90-days, unless further monitoring is needed. The PAQ also indicated, YAN did not have any instances of retaliation in the past twelve (12) months.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 43, (c), states for at least 90-days following a report of sexual abuse, the agency shall 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 the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue monitoring beyond 90-days if the initial monitoring indicates a continuing need.

In the interview with the AW, using the interview protocol for the facility head, the Auditor was told that retaliation is absolutely not tolerated at YAN. The AW emphasizes to staff and inmates that they are to freely and loudly speak about PREA issues without fear of retaliation. He

stressed that if retaliation does occur, there would be prompt action taken against those responsible for the retaliation. They would be investigated and disciplined.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 43, (d), dictates in the cases of inmates, such monitoring shall also include periodic status checks. At YAN, these periodic status checks are generally conducted by Psychology staff in conjunction with the Captain of the Correctional Services Department.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 43, (e), indicates if any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

Provision (f)

Auditor is not required to audit this provision.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding agency protection against retaliation. No recommendations or corrective action is required.

Standard 115.68: Post-allegation protective custody

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Form BP-A1002, *Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation*.
- FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 43
- According to the Warden Memo, *PREA Standard 115.43 (e)-1 Involuntary Segregation Housing Unit Assignments*, dated December 9, 2019
- Observations during on-site review.

Provision (a)

The PAQ indicates YAN has not used segregated housing in the past 12-months for PREA related allegations.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 43, specifies that any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of §115.43. FBOP Form BP-A1002, *Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation*, is also used in cases of post-allegation protective custody.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 34, the completed BOP-A1002 is stamped "FOI EXEMPT" and placed in the Privacy Section of the Inmate Central File to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates. If Information gathered leads to an investigation, the BOP-A1002 becomes part of the investigative file. The completed form is emailed to BOP-CPD/PREACORDINATOR@bop.gov and filed with the investigative case.

According to the Warden Memo, *PREA Standard 115.43 (e)-1 Involuntary Segregation Housing Unit Assignments*, dated December 9, 2019, involuntary segregated housing has not occurred in the past 12-months.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding post allegation protective custody. No recommendations or corrective action is required.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] Yes No NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? Yes No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? Yes No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?
 Yes No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? Yes No

115.71 (d)

- 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 No

115.71 (e)

- 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 inmate or staff? Yes No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? Yes No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No

- 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 No

115.71 (g)

- 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 No

115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? Yes No

115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? Yes No

115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? Yes No

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

- 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 115.21(a).) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 43-45
- Memorandum for PREA Audit, *External Investigators & PREA Training*, dated August 6, 2013
- Warden Memorandum, *PREA Standard 115.21 (f)-1 Criminal Investigations*, dated December 9, 2019
- MOU between the FBOP and the Federal Bureau of Investigation (FBI) on Violations of Federal Criminal Statutes
- DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge)
- Training records, *Investigative Intelligence – BOP (CSV-0600-BXX)*
- SIS/PREA National Video Conference Agenda
- SIS/SIA PREA Instructor Guide
- Office of Internal Affairs (OIA) Conducting Interviews & Union Issues lesson plan
- Interviews with the following:
 - Inmate who reported sexual abuse
 - Investigative Staff
 - Facility Head or designee - Associate Warden (AW)
 - National PREA Coordinator (NPC)
 - PREA Compliance Manager (PCM)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 43, (a), states when the agency conducts its own investigations into allegations of sexual abuse or sexual harassment, it shall do it promptly, thoroughly and objectively for all allegations, including third party and anonymous reports.

At the time of the audit, YAN had three (3) in-house investigators, a SIS Lieutenant, a Captain and a SIS Technician. The auditor reviewed documentation confirming the investigators completed the specialized investigative BOP training. SIS completes all administrative investigations. If the evidence suggests a crime has been committed, SIS notifies the Warden who contacts the FBI or OIG, whichever is the appropriate investigating agency. SIS continues to work with the investigating agency to ensure an open and fluid investigation. All substantiated criminal cases are referred for prosecution to the US Attorney's Office in the District in which the crime occurred.

The MOU between the FBOP and the FBI on Violations of Federal Criminal Statutes confirms the FBOP has made the FBI aware of all PREA requirements of provisions (a) through (e) of this standard.

The DOJ/OIG PREA Series 1811 Criminal Investigators Special Training for Investigators (Special Agents, Assistant Special Agents in Charge, Special Agents in Charge), confirms the investigators have been provided special training per PREA guidelines.

During the interview with the SIS investigator, he indicated investigations begin immediately following notification of the incident. He reported the same protocols are used regardless of how the incident is reported, whether it is in person, telephonically, third party, by mail or anonymously.

In the past 12-months there have been two (2) allegations of sexual abuse and sexual harassment. One (1) was for sexual abuse and (1) one was for sexual harassment. Both were filed by the inmate (victim) and both alleged a staff-on-inmate violation.

When reviewing the documentation of the two (2) cases, both cases included the original complaint, the referral for investigation, referrals for mental health, and all subsequent available paperwork, including administrative remedy forms and responses where applicable. Both cases were investigated appropriately, and both were determined unsubstantiated. The inmates were given proper notice of the findings and the cases have been closed. However, one inmate continues to file Administrative Remedies in hopes of being transferred to a different facility within 500 miles of his release destination.

Both cases had appropriate documentation of the inmate rights, direct and circumstantial evidence, witness statements, proper timeframes, effective communication, safety of the inmate, as well as other mandated guidelines. After reviewing it was determined all guidelines had been met.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 44, (b), indicates where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to §115.34.

SIS investigators receive additional training including interviewing techniques for sexual abuse victims, conducting sexual abuse investigations in a confinement setting, investigation and evidence collection for inmate sexual offenses, sexual harassment and custodial sexual misconduct. This training is documented and was verified by the Auditor through employee electronic signatures on training sheets.

During the interview with investigative staff, it was confirmed he had attended these training sessions. The Auditor reviewed the investigators training records and verified his attendance and participation in all mandated training.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 44, (c), Mandates investigators shall gather and preserve direct and circumstantial evidence, including any available physical evidence 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 (previous unsubstantiated or unfounded complaints and reports may not be used as evidence).

During the interview, the investigative staff indicated all of his investigations follow practically the same investigative format. Generally speaking, he stated he interviews the victim first, then any witnesses, leaving the perpetrator for last. He stated it varies slightly if it is an alleged Sexual Harassment rather than an alleged Sexual Assault or Sexual Abuse. If it is an alleged Sexual Assault or Sexual Abuse incident, he will go to the rape crisis center or the dedicated SAFE/SANE location at the local hospital where the victim is being seen. Except in the cases where the SAFE/SANE team collects the evidence, the investigator indicated he collects and secures all evidence. He was trained in evidence collection through the agency's investigator training and NIC training. The Auditor reviewed training records, which confirmed this training.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 44, (d), specifies that when the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

During interviews the investigative staff reported when it appears a crime may have been committed; all questions immediately stop, and the Warden is contacted. The perpetrator is immediately read their Miranda rights and the case, including all evidence, is turned over to the FBI or OIG, whichever is appropriate. At this point, SIS will only conduct compelled interviews after consultation with the investigating agency or the prosecutors, and a definite determination is made such interviews will not be an obstacle for subsequent criminal prosecution.

Warden Memorandum, *PREA Standard 115.21 (f)-1 Criminal Investigations*, dated December 9, 2019, states FPC Yankton refers all criminal investigations to the Office of the Inspector General (OIG) or the Federal Bureau of Investigation (FBI). A case may be referred immediately when evidence appears to support criminal investigation or at any time when the evidence is discovered warranting a criminal investigation. The Warden generates the referral. The Captain and/or Special Investigative Agent will ensure there is cooperation with investigators from these agencies and stays abreast of the investigation.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 44, (e), indicates 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 an inmate who alleges sexual abuse

to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation.

The investigative staff reported credibility of anyone involved in the investigation is determined through the investigative process. He stated everyone is treated as credible and truthful, unless the investigation proves otherwise. He confirmed a polygraph is not used in the investigative process of PREA cases.

Provision (f)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 44-45, (f), indicates 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.

During the interview, the investigative staff reported in administrative investigations he follows the evidence as the investigation unfolds. In following the evidence, he attempts to determine if staff actions or failure to act contributed to the allegation. He summarizes all findings in his report.

During the past 12-months there have been two (2) administrative cases, for sexual abuse and sexual harassment. Both were filed by an inmate (victim) and alleged a Staff-on-Inmate violation. The allegations were investigated appropriately. All time frames were met. When reviewing the documentation of the sexual abuse case the Auditor looked for inmate rights, direct and circumstantial evidence, witness statements, proper timeframes, effective communication, safety of the inmate, as well as other mandated guidelines.

Both cases were determined to be unsubstantiated. The inmates were notified in person, in writing. The cases have been closed.

Provision (g)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 45, (g), indicates 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.

When asked about handling criminal investigation, the investigative staff reported he thoroughly documented all steps of the process, including investigative steps, interviews, facts and findings, up until the point he determines it is criminal in nature and he notifies the Warden who turns it over to the FBI or OIG, whichever is appropriate.

According to the PAQ, in the past twelve (12) months there have been zero (0) substantiated allegations of conduct that appear to be criminal that were referred for prosecution.

Provision (h)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 45, (h), mandates that substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.

Per the PAQ, in the past 12-months there have not been any criminal cases referred for prosecution.

During the interview, the investigator said when the evidence points to a crime being committed, the case is referred to OIG or FBI for investigation by the Warden. If the investigation uncovers evidence that a crime has been committed the case is forwarded to the US Attorney's Office in the District where the crime was allegedly committed.

Provision (i)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 45, (i), indicates the agency 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 the agency, plus five (5) years.

During the interview, the investigator confirmed that if a principle (victim or abuser) is released or terminated from the agency, it in no way alters the investigation. The investigation continues to its natural end regardless of the employment or residence of the individuals involved.

Provision (k)

Auditor is not required to audit this provision.

Provision (l)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 45, (l), states when outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

Conclusions:

Based upon the review and analysis of all available evidence, the Auditor has determined the YAN meets the standard regarding criminal and administrative agency investigations. No recommendation or corrective action is required.

Standard 115.72: Evidentiary standard for administrative investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.72 (a)

- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 45
- Observations during on-site review
- Interview with the following:
 - Investigative Staff

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 45, is clear the agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

The Auditor interviewed investigative staff who relayed that during an investigation, all available evidence is collected (from the victim, from the perpetrator, from the scene; interviews; etc.) and submitted to the Warden and PCM for their review and consideration.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding evidentiary standard for administrative investigations. No recommendations or corrective action is required.

Standard 115.73: Reporting to inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.73 (a)

- Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? Yes No

115.73 (b)

- If the agency did not conduct the investigation into an inmate'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 inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) Yes No NA

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate's unit? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer employed at the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? Yes No

115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, 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 No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, 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 No

115.73 (e)

- Does the agency document all such notifications or attempted notifications? Yes No

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 45-46
- Warden Memorandum, *PREA Standard 115.73 (a)-1, (b) -1, (c) -1, and (c)-2 Reporting to Inmates*, dated December 9, 2019
- Warden Memorandum, *PREA Standard 115.73 (c)-3, (d) -1, and (e)-1 Reporting to Inmates*, dated December 9, 2019
- Three Sample Memorandums for PREA File, *PREA Allegation*, Notification to victim of investigation outcomes, substantiated, unsubstantiated, unfounded.
- PREA Compliance Manager Information Tracking Log
- Interview with the following:
 - Facility Head or designee - Associate Warden (AW)
 - Investigative Staff

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 45-46, (a), specifies following an investigation into an inmates allegation that he suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. The Special Investigative Services Lieutenant provides all information to inmates required under this section.

Warden Memorandum, *PREA Standard 115.73 (a)-1, (b) -1, (c) -1, and (c)-2 Reporting to Inmates*, dated December 9, 2019, proclaims during the past 12 months, FPC Yankton has completed one (1) administrative investigation of alleged sexual abuse incidents. Zero (0) were substantiated, one (1) was unsubstantiated and zero (0) were unfounded at the conclusion of the investigation. During the past 12 months, FPC Yankton has completed one (1) sexual abuse incident review. Incident reviews are not required for unfounded cases. Zero (0) investigation of alleged sexual abuse were completed by an outside agency.

As an attachment to the Warden Memorandum, *PREA Standard 115.73 (c)-3, (d) -1, and (e)-1 Reporting to Inmates*, dated December 9, 2019, the Warden provided three (3) sample Memorandums for PREA File, *PREA Allegation*, Notification to victim of investigation outcomes, substantiated, unsubstantiated, unfounded. These memorandums are issued through the Warden's office, from the SIS Lieutenant to the alleged victim. It outlines the determination of the investigation and has a designated place for inmate and delivering staff to sign. This confirms the practice of inmates being informed of the result of investigations.

In interviewing the investigative staff, the Auditor was instructed the final step of the investigation process, takes place after all findings have been determined. At the conclusion of any PREA investigation SIS submits, through the Warden's office, a close out memorandum to the victim and the perpetrator, notifying each of the conclusion of the investigation and the findings. The Associate Warden was asked a similar question and he echoed the response of the investigative staff.

Additional information received provided an overview of the Administrative and Criminal cases, including status. During the past 12-months there have been a total of 2 cases; both were administrative. The administrative cases were determined to be unsubstantiated and closed. There are no pending cases. In both cases the victim was provided a close out memorandum.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 46, (b), indicates if the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.

According to the PAQ, during the past twelve (12) months there have been no criminal investigations by outside agencies.

The Warden Memorandum, *PREA Standard 115.73 (a)-1, (b) -1, (c) -1, and (c)-2 Reporting to Inmates*, dated December 9, 2019, states in part, Zero (0) investigations of alleged sexual abuse were completed by an outside agency in the past 12 months.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 46, (c), 1-4 states following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently

inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

1. The employee/staff is no longer posted within the inmate's unit
2. The employee/staff is no longer employed at the facility
3. The employee/staff has been indicted on a charge related to the sexual abuse within the facility
4. The employee/staff has been convicted on a charge related to the sexual abuse within the facility

All notifications shall be documented.

As previously stated in provision (a), the victims are notified via memorandum, issued through the Warden's office, from the SIS Lieutenant to the alleged victim.

Warden Memorandum, *PREA Standard 115.73 (c)-3, (d) -1, and (e)-1 Reporting to Inmates*, dated December 9, 2019, outlines the notifications to be made regarding staff-on-inmate sexual abuse investigations (except when there is a determination the allegations was unfounded):

- a. The employee/staff is no longer posted within the inmate's unit
- b. The employee/staff is no longer employed at the facility
- c. The employee/staff has been indicted on a charge related to the sexual abuse within the facility
- d. The employee/staff has been convicted on a charge related to the sexual abuse within the facility

The memo further indicates in the past 12-months, no inmate required the above referenced type of notifications.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 46, (d), 1-2, states following an inmate's allegation that he has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:

1. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
2. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All notifications shall be documented.

As previously stated in provision (a), the victim is notified via memorandum, issued through the Warden's office, from the SIS Lieutenant to the alleged victim.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 46, (e), states all such notification or attempted notification shall be documented.

As previously stated in provision (a), the victim is notified via memorandum, issued through the Warden's office, from the SIS Lieutenant to the alleged victim.

During the past 12-months there have been a total of 2 cases. Both cases were determined to be unsubstantiated and closed. Both victims were given and signed for a memorandum of close-out, notifying the victim of the determination of the investigation, as required.

Provision (f)

The Auditor is not required to audit this provision.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding reporting to inmates. No recommendations or corrective action is required.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? Yes No

115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? Yes No

115.76 (c)

- 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 No

115.76 (d)

- 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 No
- 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 No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47
- FBOP, Program Statement (PS), 3420.11, *Standards of Employee Conduct*, dated 12/6/2013, pp. 6-7
- Interviews with the following
 - Facility Head or designee - Associate Warden (AW)
 - PREA Compliance Manager (PCM)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47, (a), states staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse and sexual harassment policies.

FBOP, Program Statement (PS), 3420.11, *Standards of Employee Conduct*, dated 12/6/2013, p. 7, states employees are subject to administrative action, up to and including removal, for any inappropriate contact, sexual behavior, or relationship with inmates, regardless of whether such contact constitutes a prosecutable crime. Physical contact is not required to subject an employee to sanctions for misconduct of a sexual nature.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47, (b), states termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

FBOP, Program Statement (PS), 3420.11, *Standards of Employee Conduct*, dated 12/6/2013, pp. 7, states an employee may not engage in, or allow another person to engage in, sexual behavior with an inmate. There is never any such thing as *consensual* sex between staff and inmate.

During the interview with the AW, using the interview protocol for the facility head, he confirmed during the previous twelve (12) months there had not been any terminations, resignations or other sanctions against staff for violation of the agency's sexual abuse or sexual harassment or sexual misconduct policies.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47, (c), states disciplinary sanctions for violations of agency 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 to comparable offenses by other staff with similar histories.

During an interview with the PCM he confirmed during the previous twelve (12) months there had not been any terminations, resignations or other sanctions against staff for violation of the agency's sexual abuse or sexual harassment or sexual misconduct policies.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47, (d), 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, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

During an interview with the Associate Warden he confirmed during the previous twelve (12) months there had not been any terminations, resignations or other sanctions against staff for violation of the agency's sexual abuse or sexual harassment or sexual misconduct policies.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding disciplinary sanctions for staff. No recommendations or corrective action is required.

Standard 115.77: Corrective action for contractors and volunteers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? Yes No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? Yes No

115.77 (b)

- 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 inmates? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47
- FBOP, Program Statement (PS), 3420.11, *Standards of Employee Conduct*, dated 12/6/2013, pp. 6-7
- Warden Memorandum, *PREA Standard 115.77 (a)-3, Reports of Sexual Abuse by Contractors/Volunteers*, dated December 9, 2010
- Warden Memorandum, *PREA Standard 115.77 (b)-1, Reports of Sexual Abuse by Contractors/Volunteers, Remedial Measures*, dated December 9, 2010
- Interview with the following
 - Facility head or designee - Associate Warden (AW)

Provision (a)

The PAQ indicates there have been no reports of sexual abuse by contractors or volunteers at FPC Yankton, during the past 12 months.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47, (a), indicates any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

Warden Memorandum, *PREA Standard 115.77 (a)-3, Reports of Sexual Abuse by Contractors/Volunteers*, dated December 9, 2019, states during the past 12 months there have been no reports of sexual abuse by contractors or volunteers at FPC Yankton.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 47, (b), indicates the facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

The Warden Memorandum, *PREA Standard 115.77 (b)-1, Reports of Sexual Abuse by Contractors/Volunteers, Remedial Measures*, dated December 9, 2019, indicates FPC Yankton takes appropriate remedial measures and considers whether to prohibit further contact with inmates to prevent any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. During the past 12 months there have been no reports of sexual abuse by contractors or volunteers at FPC Yankton, and thus no instances of requiring remedial measures.

During an interview with the AW, using the interview protocol for the facility head, he disclosed that when an issue is brought to his attention, he immediately refers the matter to the SIA for their follow-up. During this time, the contractor or volunteer are not allowed access to the facility pending investigation and review of the matter.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding corrective action for contractors and volunteers. No recommendations or corrective action is required.

Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? Yes No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? Yes No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? Yes No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? Yes No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? Yes No

115.78 (f)

- 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 No

115.78 (g)

- If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48
- FBOP Program Statement (PS) 5270.09, *Inmate Discipline Program*, dated August 1, 2011, p. 46, Prohibited Act #205
- Warden Memorandum, PREA Standard 115.78 (e) -1, *Disciplinary Sanctions for Inmates*, dated December 9, 2019
- Interview with the following
 - Facility Head or designee - Associate Warden (AW)
 - Medical Staff

Provision (a)

The PAQ reflects in the past twelve (12) months there have been no administrative or criminal findings of inmate-on-inmate sexual abuse at the facility.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48, (a) states inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmates engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

Additional information received provided an overview of the Administrative and Criminal cases, including status. During the past 12-months there have been a total of 2 cases; both were administrative. The administrative cases were determined to be unsubstantiated and closed. There are no pending cases.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48, (b) states sanctions shall be commensurate with the nature and circumstance of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

During the interview with the AW, using the interview protocol for the facility head, disciplinary sanctions were discussed. The AW indicated that the inmate discipline is based on level of the violation and penalties are imposed comparable to other inmate's penalties. Penalties might

include change of housing assignment, loss of good time credit, and possible prosecution, when appropriate.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48, (c) indicates the disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed.

During the interview with the AW, using the interview protocol for the facility head, disciplinary sanctions were discussed. The AW indicated if the inmate has a mental history, mental health staff will be involved to assist in determining appropriate sanctions.

Provision (d)

The PAQ indicates YAN does offer therapeutic services and interventions to inmates.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48, (d) indicates if the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for abuse, the facility shall consider whether to require the offending inmate to participate in such intervention as a condition of access to programming or other benefits.

During interviews with Medical staff, the Auditor was informed that medical staff can make recommendations for referrals for inmates for therapy, counseling or other interventions to address underlying issues related to abuse. The inmate's issues would be addressed during regular counseling sessions or group counseling sessions. Participation in interventions is not a condition for access to other programming or benefits.

Provision (e)

The PAQ reflects YAN only disciplines inmates for sexual contact with staff when it is determined the staff member did not consent.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48, (e) states the agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

The Warden Memorandum, PREA Standard 115.78 (e) -1, *Disciplinary Sanctions for Inmates*, dated December 9, 2019, indicates during the past 12 months there have been no instances of disciplinary action against inmates for sexual misconduct with staff.

Provision (f)

The PAQ reflects YAN prohibits disciplinary action for a report of sexual abuse made in good faith.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48, (f) states for the purpose of disciplinary action, a report of sexual abuse made in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

During an interview with AW, using the interview protocol for the facility head, the Auditor was informed in the past 12 months there had not been any disciplinary action taken against any inmates for a report of sexual abuse made in good faith.

Provision (g)

The PAQ indicates YAN prohibits all sexual activity between inmates. Further, it states YAN only considers sexual activity between inmates to be sexual abuse if it is coerced.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 48, (g) indicates that an agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

FBOP Program Statement (PS) 5270.09, *Inmate Discipline Program*, dated August 1, 2011, p. 46, Prohibited Act #205, says engaging in sexual acts is prohibited.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding disciplinary sanctions for inmates. No recommendations or corrective action is required.

MEDICAL AND MENTAL CARE

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)
 Yes No NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) Yes No NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? Yes No

115.81 (d)

- 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 No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 49-50
- Warden Memorandum, *PREA Standard 115.81 (a)-4, (b)-4, (c)-4, Medical and Mental health Follow-up Services*, dated December 9, 2019

- Warden Memorandum, *PREA Standard 115.81 (d)-1, Informed Consent*, dated December 9, 2019
- Warden Memorandum, *PREA Standard 115.81 (e)-1, Limitations of Information*, dated December 9, 2019
- Observations during on-site review
- Interview with the following
 - Medical Staff

Provision (a)

The PAQ reflects in the past 12 months, YAN referred 100% of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health professional.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 49, (a) states if the screening pursuant to §115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

The Warden Memorandum, *PREA Standard 115.81 (a)-4, (b)-4, (c)-4, Medical and Mental Health Follow-up Services*, dated December 9, 2019, states secondary materials related to follow up medical and mental health care with alleged victims and perpetrators of sexual abuse and/or sexual harassment are available on site if required. FPC Yankton utilizes Bureau Electronic Medical Records (BEMR) to document cases of sexual abuse and/or sexual harassment.

The Auditor interviewed staff who conduct the intake screenings. These staff confirmed inmates are offered a follow-up meeting with a mental health professional, within 14-days of intake, if the intake screening indicates the inmate is at high risk for possible victimization, aggressiveness or has a past history of victimization.

In the past twelve (12) months, YAN had a total of thirteen (13) inmates who reported prior sexual victimization during screening. Of those thirteen (13), three (3) had transferred to other facilities. Of the remaining ten (10) inmates, the Auditor randomly selected and interviewed six (6). All six (6) of the inmates reported being offered medical and mental health counseling and follow-up upon reporting. Of the six (6) inmates interviewed, all reported being offered medical and mental health services. Three (3) declined and three (3) accepted. The three (3) who accepted stated they were seen within a week or less of the referral being made. The three (3) who declined stated they were not disciplined for declining the referral.

During the documentation review, the Auditor discovered all mental health referrals, as a result of disclosure during intake, were timely made. All referrals were evaluated within the appropriate time frame.

Provision (b)

The PAQ reflects in the past 12 months, YAN referred 100% of inmates who disclosed previously perpetrated sexual abuse during screening were offered a follow-up meeting with a medical or mental health professional.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 49, (b), states if the screening pursuant to §115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

The Warden Memorandum, *PREA Standard 115.81 (a)-4, (b)-4, (c)-4, Medical and Mental Health Follow-up Services*, dated December 9, 2019, states secondary materials related to follow up medical and mental health care with alleged victims and perpetrators of sexual abuse and/or sexual harassment are available on site if required. FPC Yankton utilizes Bureau Electronic Medical Records (BEMR) to document cases of sexual abuse and/or sexual harassment.

As stated in Provision (a), all referrals and evaluations were made timely.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 49, (c), states if the screening pursuant to §115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

YAN is not a jail.

Provision (d)

The PAQ indicates YAN strictly limits information obtained in intake screening relating to sexual abuse to those who need to make management, security or treatment plan decisions.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 49, (d) indicates that any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, or as otherwise required by Federal, State or local law.

Warden Memorandum, *PREA Standard 115.81 (d)-1, Informed Consent*, dated December 9, 2019, indicates although most information related to sexual victimization or abusiveness that occurred in an institution setting is strictly limited to medical and mental health professions, some tracking information and/or safeguarding information may be seen by custody and non-health care personnel. For example, if the inmate is deemed to be at-risk for victimization or abusiveness, non-healthcare personnel would have access to this designation [REDACTED]

[REDACTED] Additionally, if an inmate has a [REDACTED]

[REDACTED], this information would be also available to non-health care personnel.

The Auditor interviewed staff who conduct the intake screenings and was informed that all medical and mental health records are contained in a separate and secure database. This database is accessed only through medical or mental health staff, and information is only provided to classification and high-level staff on a need to know basis.

Provision (e)

The PAQ indicates YAN medical and mental health professionals obtain informed consent prior to reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 50, (e), states medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting, unless the inmate is under the age of 18.

The Warden Memorandum, *PREA Standard 115.81 (e)-1, Limitations of Information*, dated December 9, 2019, states there have been no instances of medical or mental health practitioner reporting information about prior sexual victimization that did not occur in an institutional setting. If an instance should occur that involved the need to report such information, informed consent would be obtained prior to the disclosure of that, unless the inmate is under the age of 18.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding medical and mental health screenings, history of sexual abuse. No recommendations or corrective action is required.

Standard 115.82: Access to emergency medical and mental health services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
 Yes No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? Yes No

- Do security staff first responders immediately notify the appropriate medical and mental health practitioners? Yes No

115.82 (c)

- Are inmate 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 No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 50-51
- Warden Memorandum, *PREA Standard 115.82 (a)-3, Access to Emergency Medical and Mental Health Services*, dated December 9, 2019
- Gratuitous Services Agreement between YAN and River City Domestic Violence Center (RCDVC), dated August 9, 2018
- Observations during on-site review
- Interview with the following
 - Medical Staff
 - First Responders
 - SAFE/SANE

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 50, (a), states inmate 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.

The Warden Memorandum, *PREA Standard 115.82 (a)-3, Access to Emergency Medical and Mental Health Services*, dated December 9, 2019, indicates emergency medical and mental health services are available to inmates who report being the victim of sexually abusive behavior. Secondary materials documenting compliance with this standard are available on site if requested, such as electronic medical records to include injury assessment, psychology contact, and follow up as clinically indicated.

A Gratuitous Services Agreement between YAN and RCDVC, dated August 9, 2018, for the purpose of facilitating services related to implementation of the Prison Rape Elimination Act (PREA). RCDVC is a community service provider who is being contracted to provide confidential emotional support services related to sexual abuse to inmates within the YAN custody.

All forensic medical exams and SAFE/SANE personnel are located at Avera Sacred Heart Hospital. The Auditor conducted a telephone interview with a SAFE/SANE representative. She confirmed the exams are provided at no cost to the inmate and that all forensic services are provided when the inmate is presented at the hospital for follow-up. She indicated there are seven (7) forensic nurses (SAFE/SANE) on staff at the hospital. Further she indicated in the rare and unlikely event none of these individuals are available, the forensic examination would be performed by the Emergency Department (ED) Registered nurse and an ED Physician. In this scenario, the ED staff would be under the guidance of the eCare services who have a SANE RN on call 24/7 for directions and troubleshooting.

Medical and Mental Health staff interviewed by the Auditor reported treatment is provided immediately and is based on their professional judgment. Medical and Mental Health staff work together to ensure the inmate received the appropriate treatment. Information about and access to emergency contraception and sexually transmitted diseases prophylaxis, is offered in accordance with professionally accepted standards of care and where medically appropriate.

At the time of the on-site portion of the audit there was one (1) inmate at YAN who had reported sexual abuse. He was interviewed and reported he was taken to be seen by Medical and Mental Health staff immediately after making his allegation.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 51, (b), states if no qualified medical or mental health practitioners are on duty at the time a report of sexual abuse is made, custody staff first responders shall take preliminary steps to protect the victim pursuant to §115.62 and shall immediately notify the appropriate medical and mental health practitioners.

Interviews with First Responders revealed notification is made via the telephone to the medical staff who are on duty when they are informed of an incident of sexual abuse. The inmate is then

transferred to Avera Sacred Heart Hospital for a Sexual Assault Response Team (SART) exam by a SAFE/SANE practitioner.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 51, (c), states inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, when medical appropriate.

As previously cited in Provision (a) Medical and Mental Health staff interviewed by the Auditor reported treatment is provided immediately and is based on their professional judgment. Medical and Mental Health staff work together to ensure the inmate received the appropriate treatment. Information about and access to emergency contraception and sexually transmitted diseases prophylaxis, is offered in accordance with professionally accepted standards of care and where medically appropriate.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 51, (d), states treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding access to emergency medical and mental health services. No recommendations or corrective action is required.

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

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? Yes No

115.83 (b)

- 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 No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? Yes No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? Yes No

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? Yes No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 51-52
- Gratuitous Services Agreement between YAN and River City Domestic Violence Center (RCDVC), dated August 9, 2018
- Interview with the following
 - Medical and Mental Health Staff
 - Chief Psychologist
 - PREA Compliance Manager (PCM)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 51, (a), indicates the facility shall offer medical and mental health evaluations and, as appropriate treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

The Auditor reviewed a copy of the Gratuitous Services Agreement between YAN and RCDVC, dated August 9, 2018. This agreement is for the purpose of facilitating services related to implementation of Prison Rape Elimination Act (PREA). RCDVC is a community service provider who is being contracted to provide confidential emotional support services related to sexual abuse to inmates within the YAN custody.

All forensic medical exams and SAFE/SANE personnel are located at Avera Sacred Heart Hospital. The Auditor conducted a telephone interview with a SAFE/SANE representative. She confirmed the exams are provided at no cost to the inmate and that all forensic services are provided when the inmate is presented at the hospital for follow-up. She indicated there are seven (7) forensic nurses (SAFE/SANE) on staff at the hospital. Further she indicated in the rare and unlikely event none of these individuals are available, the forensic examination would be performed by the Emergency Department (ED) Registered nurse and an ED Physician. In this scenario, the ED staff would be under the guidance of the eCare services who have a SANE RN on call 24/7 for directions and troubleshooting.

The Auditor reviewed records produced by the facility documenting the community standard of care, the evidence of Sexually Transmitted Infection testing, prophylaxis treatment, psychiatry and psychology services, crisis intervention. These services are free of charge to inmates regardless of whether the abuser is named or whether the inmate cooperates with an investigation.

Medical and Mental Health staff interviewed by the Auditor reported treatment is provided immediately and is based on their professional judgment. Medical and Mental Health staff work together to ensure the inmate received the appropriate treatment. Information about and access to emergency contraception and sexually transmitted diseases prophylaxis, is offered in accordance with professionally accepted standards of care and where medically appropriate.

In interviews with the PCM and the Chief Psychologist, they indicated no inmates were referred for Sexual Assault Response Team (SART) examinations by SAFE/SANE practitioners in the previous twelve (12) months.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 51, (b), states the evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referral for continued care following their transfer to, or placement in, other facilities, or their release from custody.

Documentation and records review supported attentiveness to follow-up services and treatment plans. The files demonstrated detailed and professional notes on the evaluations conducted by Medical and Mental Health staff and their follow up appointments with inmates. Follow-up consisted of routine inmate visits with Medical and Mental Health staff.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 51, (c), indicates the facility shall provide such victims with medical and mental health service consistent with the community level of care.

Interviews with Medical and Mental Health staff support compliance in the area of evaluation, follow-up, treatment plans and referral services. The statement of Medical and Mental Health staff reflects an active understanding of the importance of appropriate evaluation, follow up, treatment planning and service referral.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 51, (d), mandates inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

YAN is an all-male facility.

In interviews with the PCM and the Chief Psychologist, both confirmed there were no transgender male inmates in custody at YAN.

As previously stated in Provision (a), no inmates were referred for Sexual Assault Response Team (SART) examinations by SAFE/SANE practitioners in the previous twelve (12) months.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 52, (e), mandates if pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services.

YAN is an all-male facility

In interviews with the PCM and the Chief Psychologist, both confirmed there were no transgender male inmates in custody at YAN.

Provision (f)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 52, (f), dictates inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

As previously stated in Provision (a), no inmates were referred for Sexual Assault Response Team (SART) examinations by SAFE/SANE practitioners in the previous twelve (12) months

Provision (g)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 52, (g), states treatment services shall be provide to the victim without financial cost and regardless of whether the victim names the abuser or cooperated with any investigation arising out of the incident.

In interviews with the PCM and the Chief Psychologist, both confirmed all treatment services are provided to alleged victims without financial cost, regardless of whether the victim names the abuser or cooperated with any investigation arising out of the incident.

Provision (h)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 52, (h), indicates all prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

The Auditor reviewed documentation that indicated during the past 12-months there were a total of (2) two sexual abuse and sexual harassment grievances filed. One (1) was for sexual abuse and one (1) was for sexual harassment. Both were filed by the inmate (victim) and both alleged a staff-on-inmate violation.

The documentation review included the original complaint, the referral for investigation, referrals for mental health and medical services, and all subsequent available paperwork, including administrative remedy forms and responses where applicable. Both cases were investigated appropriately, and both were determined unsubstantiated. The inmates were given proper notice of the findings and the cases have been closed.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding ongoing medical and mental health care for sexual abuse victims. No recommendations or corrective action is required.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.86 (a)

- 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 No

115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation? Yes No

115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? Yes No

115.86 (d)

- 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 No
- 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 No
- 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 No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? Yes No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? Yes No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? Yes No

115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 52-53.
- Warden Memorandum, *PREA Standard 115.86 (a, d, e) -1 Sexual Abuse Incident Reviews*, dated December 9, 2019
- Interviews with the following
 - Facility Head or designee - Associate Warden (AW)
 - PREA Compliance Manager (PCM)
 - Incident Review Team (IRT)
 - Provision (a)

The PAQ reflects in the past 12-months there have not been any criminal and/or administrative investigations of alleged sexual abuse completed at the facility.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 52, (a), states the facility shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including when allegations have not been substantiated, unless the allegation has been determined to be unfounded.

The Warden Memorandum, *PREA Standard 115.86 (a, d, e) -1 Sexual Abuse Incident Reviews*, dated December 9, 2019, states during the past 12 months, FPC Yankton has completed zero (0) administrative investigations of alleged sexual abuse incidents. Zero (0) were substantiated, zero (0) were unsubstantiated and zero (0) were unfounded at the conclusion of the

investigation. During the past 12 months FPC Yankton has completed zero (0) sexual abuse incident reviews. Incident reviews are not required for unfounded cases.

Provision (b)

The PAQ reflects in the past 12-months there have not been any criminal and/or administrative abuse incident reviews completed at the facility.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 53, (b), indicates such a review will ordinarily occur within 30 days of the conclusion of the investigation.

The Warden Memorandum, *PREA Standard 115.86 (a, d, e) -1 Sexual Abuse Incident Reviews*, dated December 9, 2019, states in part, during the past 12 months FPC Yankton has completed zero (0) sexual abuse incident reviews.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 53, (c), states the review team shall include upper management officials, with input from line supervisor, investigators and medical or mental health practitioners.

The multidisciplinary incident review team consists of intermediate or higher-level facility managers, supervisors, investigators, as well as medical and mental health practitioners.

In the interview with the AW, using the interview protocol for the facility head, he confirmed his understanding of the composition of the review team and his willingness to consider and incorporated recommendations from team members.

As previously stated in Provision (a) and (b), the Warden Memorandum, *PREA Standard 115.86 (a, d, e) -1 Sexual Abuse Incident Reviews*, dated December 9, 2019, states in part, during the past 12 months FPC Yankton has completed zero (0) sexual abuse incident reviews.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 53, (d), stated the review team shall:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; LGBTQI identification status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamic at the facility
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
4. Assess the adequacy of staffing levels in that area during the different shifts
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) through (d)(5) of this section, and any recommendations for improvement and submit such report to the Facility Head and PREA Compliance Manager.

Several members of the IRT were interviewed. Each team member reported the team considers all criteria listed above, as required by PREA policy.

Provision (e)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 53, (d), states the facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Conclusion

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding sexual abuse incident reviews. No recommendations or corrective action is required.

Standard 115.87: Data collection

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.87 (a)

- 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 No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? Yes No

115.87 (c)

- 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 No

115.87 (d)

- 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 No

115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) Yes No NA

115.87 (f)

- 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.)
 Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 54-55.
- Annual PREA Reports 2013 - 2018
- Interview with the following
 - National PREA Coordinator (NPC).

Provision (a)

According to the PAQ, 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.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 54, (a), mandates the agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.

A review of the 2013 - 2018 annual PREA reports, confirms this provision has been met.

Provision (b)

According to the PAQ the agency aggregates the incident-based sexual abuse data at least annually.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 55, (b), states the agency shall aggregate the incident-based sexual abuse data at least annually.

The FBOP aggregates all of its data submitting all required items according to the US Department of Justice. The Auditor reviewed the submitted PREA annual reports for 2013 - 2018.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 55, (c), indicates the incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

PREA policy dictates 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. The Auditor was provided copiers of the 2013 – 2018 annual PREA reports which addressed all questions, as required.

Provision (d)

According to the PAQ, the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 5, (d), states the agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

PREA policy mandate the agency maintain, review and collect data as needed from all available incident-based documents, including reports, investigative files, and sexual abuse incident reviews. The Auditor was provided copies of the 2013 - 2018 annual PREA reports which contained relevant areas of concern and noted corrective action items.

Provision (e)

According to the PAQ, the agency obtains incident-based and aggregate data from every private facility with which it contracts for the confinement of its inmates. The data from private facilities complies with the SSV reporting requirement.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 55, (e), states the agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of inmates.

A review of the 2013 - 2018 annual PREA reports, confirms this provision has been met.

Provision (f)

According to the PAQ, upon request the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30,

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 55, (f), states upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

The FBOP aggregates all of its data submitting all required items according to the US Department of Justice SSV-02 (Survey of Sexual Victimization) and submits all information on June 30 from the previous calendar year to the US Department of Justice.

The Auditor reviewed 2013 – 2018 annual PREA reports, which reflected completion of all data fields within the required timeline.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding data collection. No recommendations or corrective action is required.

Standard 115.88: Data review for corrective action

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis? Yes No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? Yes No

115.88 (b)

- 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 No

115.88 (c)

- 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 No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56
- Annual PREA Reports 2013 - 2018
- Interview with the following
 - Agency Head or Designee (AH)
 - National PREA Coordinator (NPC)
 - PREA Compliance Manager (PCM)

Provision (a)

According to the PAQ, the agency reviews data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies.

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56, (a), states the agency shall review data collected and aggregated pursuant to §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices, and training, including by:

1. Identifying the problem areas

2. Taking corrective action on an ongoing basis
3. Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

As part of the interview with the NPC, the Auditor learned the agency reviews data collected pursuant to §115.87 and assesses the effectiveness of the sexual abuse prevention, detection and response policies, practices and training. The agency prepares an annual report and posts the information on the website. The Auditor also learned the only information redacted from the agency report is personal identifying information. All other information is included in the annual report.

The AH asserts if the incident-based sexual abuse data shows patterns, such as LGBTI inmates are being targeted or a significant number of assaults occurring in a particular area of an institution, then policies, procedures or training may be modified.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56, (b), indicates such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

The Auditor reviewed the annual report from 2018 and found it to follow the PREA standards, including a comparison to the findings in previous reports to assess progress in addressing sexual abuse.

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56, (c), indicates the agency's report shall be 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.

According to the interview notes from the AH, she reviews all PREA Annual Reports. She reviews the annual report for the prior calendar year before placement on the agency website.

As required by standard, the FBOP places all annual reports on its website, accessible for public view. The website allows access to the FBOP Sexual Abuse Prevention webpage, which contains the most recent (2018) annual report.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56, (d), indicates the agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted.

The NPC indicated the agency reviews data collected pursuant to §115.87 while only redacting personal identifying information. All other information is included in the annual report. The NPC indicated she is responsible for ensuring the information is provided for purposes of agency reporting.

During an interview with the PCM, he indicated he ensures the data collected on sexual abuse for inmate-on-inmate cases is forwarded to his Regional PREA Coordinator annually.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding data review for corrective action. No recommendations or corrective action is required.

Standard 115.89: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?
 Yes No

115.89 (b)

- 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 No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? Yes No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Prison Camp Yankton (YAN) completed Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 56-57
- Annual PREA Reports 2013 - 2018
- Federal Bureau of Prisons publicly accessible website
 - https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp
- Interview with the following
 - National PREA Coordinator (NPC)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56, (a), states the agency shall ensure that data collected pursuant to §115.87 are securely retained.

According to the interview notes of the NPC, the Auditor learned there are several locations where the FBOP retains data. At the local level, data is retained within a secure system and access to the system is limited to those staff with a need to know. Additional data is retained at the Agency level as required for completion of the SSV-2, and also within the FBOP website for public access.

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56, (b), indicates the agency shall 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.

The FBOP Inmate Sexual Abuse Prevention webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at:

https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp

Provision (c)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 56, (c), states before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

During an interview with the NPC, the Auditor was made aware the agency reviews data collected pursuant to §115.87, and that the only information redacted from the agency report is personal identifying information. The agency report reviewed by the Auditor met PREA compliance standards.

Provision (d)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 57, (d), states the agency shall maintain sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of the initial collection unless Federal, State or local law requires otherwise.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding data storage, publication and destruction. No recommendations or corrective action is required

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.401 (a)

- 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 No

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*) Yes No
- 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.) Yes No 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.) Yes No NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?
 Yes No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? Yes No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?
 Yes No

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? Yes No

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

- Federal Bureau of Prisons (FBOP) Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, pp. 57-58
- FBOP publicly accessible website
 - https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp
- Interview with the following
 - Agency Head or designee (AH)
 - National PREA Coordinator (NPC)

Provision (a)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 57, (a), states during the three-year period starting on August 20, 2013, and each three-year period thereafter, the agency shall ensure that each facility

operated by the agency, or by a private organization on behalf of the agency, is audited at least once.

The AH reported each facility within the FBOP had been audited within the previous three (3) year audit cycle. Copies of all audit reports are on the FBOP website for public information and review. FBOP Inmate Sexual Abuse Prevention webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at:

https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp

Provision (b)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 57, (b), states during each one-year period starting on August 20, 2013, the agency shall ensure that at least one third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.

During an interview with the PCM, the Auditor learned the audit for YAN was in the first year of the new three (3) year audit cycle. FBOP webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards.

Provision (c)

N/A

Provision (d)

N/A

Provision (e)

N/A

Provision (f)

N/A

Provision (g)

N/A

Provision (h)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 58, (h), states the auditor shall have access to, and shall observe, all areas of the audited facilities.

During the on-site portion of the audit, the Auditor had complete, unimpeded access to every area of the facility. Throughout the on-site portion of the audit the PCM and the Chief Psychologist were available to accompany the auditor and give her complete access to any part of the facility she requested to see.

Provision (i)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 58, (i) affirms the auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

At all times throughout the audit process, FBOP and YAN provided the Auditor with all requested information in a timely and complete manner.

Provision (j)

N/A

Provision (k)

N/A

Provision (l)

N/A

Provision (m)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 58, (m), states the auditor shall be permitted to conduct private interviews with inmates, residents and detainees.

The Auditor was provided a secure, private office to conduct all interviews during the on-site portion of the audit.

Provision (n)

FBOP Program Statement (PS) 5324.12, *Sexually Abusive Behavior Prevention and Intervention Program*, dated 6/4/2015, p. 58, (n), states inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

During thirty-two (32) inmate interviews, all inmates reported they were provided the opportunity to send out confidential mail or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.

Provision (o)

N/A

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding frequency and scope of audits. No recommendations or corrective action is required.

Standard 115.403: Audit contents and findings

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

115.403 (f)

- 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 that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Provision (f)

The FBOP Inmate Sexual Abuse Prevention web page provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at:

https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the YAN meets the standard regarding audit contents and findings. No recommendations or corrective action is required.

AUDITOR CERTIFICATION

I certify that:

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

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Darla P. O'Connor

04-06-2020

Auditor Signature

Date

¹ See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

² See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.