

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

NATIONAL
PREA
RESOURCE
CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

[Following information to be populated automatically from pre-audit questionnaire]

Name of facility: Clallam Bay Corrections Center

Physical address: 1830 Eagle Crest Way, Clallam Bay, WA 98326

Date report submitted: July 21, 2015

Auditor Information Shamroque D Alvis-Hill

Address: 2605 State Street

Email: Shamroque.d.alvis@doc.state.or.us

Telephone number: 503-562-0099

Date of facility visit: June 17, 2015 - June 19, 2015

Facility Information

Facility mailing address: (if different from above)

Telephone number: (360) 963-2000

The facility is:

<input type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> State
<input type="checkbox"/> Private not for profit		

Facility Type: Jail Prison

Name of PREA Compliance Manager: Miles T. Lawson **Title:** Correctional Specialist

Email address: mtlawson@doc1.wa.gov **Telephone number:** (360)963-2000

Agency Information

Name of agency: Washington State Department of Corrections

Governing authority or parent agency: (if applicable) Washington State Governor's Office

Physical address: 7345 Linderson Way SW Tumwater, WA 98501

Mailing address: (if different from above) P.O. Box 41100, Mail stop 41100 Olympia, WA 98504-1100

Telephone number: (360) 725-8213

Agency Chief Executive Officer

Bernard Warner **Title:** Secretary

Email address: Bernie.warner@doc.wa.gov **Telephone number:** (360) 725-8489

Agency-Wide PREA Coordinator

Name: Beth Schubach **Title:** PREA Coordinator

Email address: Beth.schubach@doc.wa.gov **Telephone number:** (360) 725-8489

AUDIT FINDINGS

NARRATIVE:

The PREA Audit of the Clallam Bay Corrections Center was conducted on June 17th, 18th, and 19th, 2015. Notice of the audit was posted in the facility six weeks prior to the audit providing auditor contact information. Interviews were not conducted prior to the onsite visit of this audit. Prior to the audit, the auditor reviewed the provided documentation and reviewed the agency website to evaluate compliance with PREA standards.

The Auditor conducted a tour of the facility which included but was not limited to intake, all housing units to include segregated housing areas, medical, food services, industry areas, and programming and education areas. PREA signs and informational posters for services related to PREA were posted throughout the facility. Interviews were conducted and an examination of the facility's intake process was reviewed.

As part of the Facility Audit, the Auditor interviewed key agency and facility staff utilizing questionnaires.

Additionally, all required staff and inmate interviews were conducted which included 12 random staff and 12 random inmates that had been selected randomly from rosters provided by the facility. Additionally, specialized interviews were conducted for inmates who disclosed sexual victimization during risk screening. The institution reported that there were no inmates who had been placed in segregated housing for risk of sexual victimization/who allege to have suffered sexual abuse, youthful inmates, disabled or limited English proficient or inmates perceived to be transgender, intersex, gay or bisexual at the facility at that time.

Specialized staff interviews conducted included the Superintendent, PREA Compliance Manager, 3 First Responders, 2 intermediate or higher level facility staff, 1 Human Resources staff, 1 Medical staff, 1 Mental Health staff, and 1 staff assigned to supervise inmates in segregated housing, 1 staff that performs screening for risk of victimization and abusiveness, 1 intake staff, 1 volunteer and 1 contractor, 1 staff assigned to the incident review team, 1 staff designated staff member charged with monitoring for retaliation and 1 investigative staff. The facility reported that there were no non-medical staff involved in cross-gender strip or visual searches and no staff who supervise youthful inmates. Total interviews conducted were 27 staff and 21 inmates.

The auditor found that staff and inmates were aware of PREA, and many inmates reported feeling safe, expressing that allegations of sexual abuse and sexual harassment are not common at the facility. The auditor reviewed staff, contractor and volunteer training records to ensure that all required training had been completed.

The Clallam County Sheriff and the Washington State Patrol investigate criminal allegations of sexual abuse or sexual assault at Clallam Bay Corrections Center that are criminal in nature. The agency investigates administrative allegations.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Clallam Bay Corrections Center is situated in Clallam County approximately 2 miles south of the community of Clallam Bay located on the Olympic Peninsula. It opened in 1985 as a 450 bed medium custody facility at a cost of \$56 million. The facility converted to close custody in 1991 and added a 400 bed medium custody building, a new warehouse, and a new gymnasium in 1992 for \$26 million. The average daily offender population is about 895.

The main facility is divided into living and support areas with secure exterior walls at each separate building junction. The close and maximum custody living units link together in a semi-circle around an interior courtyard.

The perimeter is maintained by five armed towers located to ensure constant surveillance, two twelve foot cyclone security fences that are 20 feet apart with rolls of stainless steel razor wire on and between them. The tower surveillance is enhanced by a Taut Wire Electronic Detection System that is mounted on the inside fence which alerts staff with an alarm when the fence is hit, cut or climbed.

Clallam Bay has six Correctional Lieutenant, 29 Correctional Sergeants, and 213 Correctional Officers, as well as non-custody staff. Shift times are 2250-0600, 0600-1400, and 1400-2200.

LIVING UNITS:

The living units in close and maximum custody housing consists of cells and dayrooms arranged in a semi circle. The control booth allows the officers to visually supervise the living units. The cells in the close and maximum custody housing units are single cell capacity. All cell doors are operated by an electronic system in the control booth.

Intensive Management Unit: The intensive management/segregation units consist of 2, 62 bed living units; E & F. Each unit is divided into three pods that are two high tiers high.

A/B-Units (Close Custody): These units are comprised of two Close Custody Living Units which each contain ninety nine cells. Within the outer corridor of A/B-Unit there are additional staff and programs such as the Law Library, the Hearings Office's and the Security Specialist. A-Unit is an "Incentive-Unit" for which the offenders are screened for participation. They are required to remain serious infraction free, maintain a work/education program, and maintain appropriate interaction with staff. The offenders assigned to this unit receive additional privilege's such as expanded dayroom time, ice cream shack, in-unit recreation equipment, additional store items, and the use of micro-waves. B-Unit is a Close Custody Living Unit. Close Custody is one custody lower than Maximum Custody.)

C/D-Units (Close Custody): These units are comprised of two Close Custody Living Units, a Resource Center located in the C/D Corridor and a Transition Activity Center. The Resource Center has a Release Readiness Class where offenders prepare for releasing back into the community, prepare resumes and gain experience with interview skills for future job prospects once released. The C/D Corridor also has the Bears from Behind Bars Program where offenders make stuffed animals that are donated to local hospitals, police departments, fire departments, Community Corrections Offices and local charities. This program also allows offenders to make and purchase bears for their children.

E/F – Units (E- Segregation Unit, F – Maximum Custody Unit): The CBCC IMU consists of two separate units. E-unit is technically listed as a close custody unit that is capable of providing adequate housing for the Maximum custody offenders. E-unit is primarily utilized as temporary housing for offenders that are infraacted for violations of the WAC 137-25-030 rules and are pending adjudication and or serving out sanctions imposed/received during the disciplinary process. E-unit is mostly utilized to house offenders on an administrative segregation status. The offender is being held while an investigation is completed to determine whether to infract for a proven offense, recommend for demotion of a custody level or transfer to another facility for suitable housing needs or determine the offender did not commit or was involved in an offense.

F-unit can be utilized to house offenders that are being investigation or on an administrative segregation status. F-unit or IMU is primarily utilized to house offender while they complete the max custody or IMS process. Shortly after an offender is demoted, an intake review is completed. The offender will receive a copy and his plan will be explained in detail verbally. This will include a synopsis of what led to the placement and the development of a BPP or Behavior Programing Plan to complete prior to recommendation for release from IMU or maintain. Each offender is met with approximately every sixty days to update on the current status. Each offender is required to complete a minimum of one OCP or Offender Change Program prior to any considerations of release from MAX custody. Based on identified offender needs, some offenders may be targeted to participate in other OCP's to increase the odds of their successful transition back into general population and society. CBCC offers the ITP Intensive Transition Program, GIR Getting it Right, MRT, Moral Recognition Therapy, CBCT, Cognitive Behavior Change Therapy and GED, General Education Development.

G/H Units (Medium Custody): G/H Unit is in the bottom floor of the Medium Security Complex. They can have up to 100 offenders in each unit, they have one sergeant on 2nd and 3rd shift, 3 correctional officers on 2nd and 3rd shift and 2 officers on 1st shift.

They have a special dog program in G unit that is sponsored by a local not for profit agency called WAG. At this time, the program consists of 14 dog handlers and 10 dogs. All dogs have been abused and mistreated and they are brought to the offenders for love, care and training. The dogs are then adopted out to good, positive homes. They also have a painting program with 3 offenders, one being an apprentice. They complete all the painting in both G and H units. They have an offender acrylic class on Tuesday nights that is taught by an offender.

I/J Units (Medium Custody): I and J units are located upstairs in the MSC building. There are 50 cells in each unit with two bunks in each cell. Each inmate has a key to their own cell. They have open dayrooms and share a mini yard with G/H unit. The housing model is one officer in each unit and one in the corri-dor with the exception of first shift in which there is no corridor officer. They have a unit Sergeant 5 days a week on 2nd and 5 days a week on third shift. If they are not here for a day, the position is normally not filled. They have numerous inmates working in the unit as painters, janitors, clerks, librarians, barbers, braiders and hobby craft facilitators. The inmate restrooms are open with barriers to limit cross gender observation.

Intensive Transition Unit: The Intensive Transition Unit (ITP) is a voluntary nine month program in a self-contained unit housing former max custody offenders that have made a commitment to developing personal discipline, communication skills, and pro-social thinking. The unit was initially built for the Youth Offender Program (YOP) requiring sight/sound separation from adult offenders. The primary intent of the Intensive Transition Unit (ITP) is to provide a structure that will facilitate the opportunity for an offender to break a cycle of personal dysfunction through: Supportive discipline, Staged socialization, Targeted integrated programming, and Progressive development of self-control.

The outcome goal is an offender that will successfully progress to the least restrictive environment while in the Department of Corrections and potentially establish a foundation for successful reintegration into the community. Since inception in 2007 there have been 256 participants. ITP statistics reflect a significant reduction in internal and external recidivism.

PROGRAMS/EDUCATION:

Clallam Bay offers a variety of programs to help offenders gain skills and knowledge to help them become productive members of society upon release. The Education and Offender Change program offers basic skills classes for obtaining General Education Diploma's, Building and Maintenance Technology, Small Business Accounting, Small Business Entrepreneurship, Cloud and Computer Development Design, Professional Baking and Pastry, Intensive Transition Program, Re-Entry Program, Dog training and Adoption Program, Correctional Industries, Standardized Stress Anger Management, and Job Seekers.

Clallam Bay works closely with the surrounding communities to maintain communication lines about the status of the facility, hiring, and rendering assistance, if needed. Many volunteers are active in programs throughout the facility. Volunteers participate in religious bible study, worship services, one to one prsion mission and other cultural, ethnic and recreational opportunities.

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded: 1
Number of standards met: 43
Number of standards not met:
Non-applicable:

§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

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

The Washington Department of Corrections (WADOC) has met all elements of this standard. WADOC Policy, Prison Rape Elimination Act DOC 490.800 (PREA) Prevention and Reporting Policy: (I) reflects its zero tolerance policy.

This policy encompasses the approach to prevention, detection, and responsibility to report such conduct. This policy was effective through a revision on April 13, 2015.

During the onsite visit of the facility, it was observed by this auditor that staff was aware of the agency's zero tolerance policy towards sexual abuse and sexual harassment and were familiar with the agency's PREA policy.

The Agency has identified a Statewide PREA Coordinator and Clallam Bay Corrections Center (CBCC) has identified a PREA Compliance Manager. It was apparent that there is sufficient time and authority to coordinate, develop, implement, and oversee the agency's efforts to comply with the PREA standards at the Agency level as well as the Facility level.

The Agency has designated an upper level, Agency Statewide PREA Coordinator who states she has sufficient time, and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities in the WADOC. The organization chart has the position identified as a Correctional Manager/PREA, and reports to the Assistant Secretary of Prisons Division.

The PREA Compliance Manager at Clallam Bay is a Correctional Specialist, who stated he has sufficient time and authority to coordinate PREA efforts. The organizational chart by Clallam Bay reflected the position reports to the Superintendent of Clallam Bay.

Policy Documentation was provided for this standard in 490.800 PREA Policy, 490.850, PREA Response and 490.860 PREA Investigation.

§115.12 - Contracting with other entities for the confinement of inmates

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

The Washington Department of Corrections (WADOC) has contracted with Pioneer Human Services to provide residential substance treatment services to offenders on supervision in the community. According to the definition of Community Confinement Facility within the PREA standards, this facility appears to fall under the standards, however, the US Department of Justice has ruled that such a facility must house a population of 50% offenders before the standard apply. WADOC reports that if the total offender population rises above 50%, the contract will be modified to require Pioneer Human Services compliance with PREA standards accompanied by monitoring by WADOC.

WADOC has other contracts for confinement and provided this auditor with:

Documentation of contract language (template/shell) for all applicable facilities
Documentation listing all contracts entered into for offenders in confinement
Memo from Secretary Bernie Warner, regarding violator jail bed contract
Contract with Yakima County jail for overflow offenders
Contracts with American Behavioral Health Systems
Contract with Snohomish County jail and Clark County jail for housing of work release offenders

All contract language provided indicated that all contracts with agencies or other entities included contract language of the entity's obligation to adopt and comply with the PREA standards, and WADOC states they monitor to ensure that the contractor is complying with the PREA standards.

Policy documentation was provided for this standard in 490.800 PREA policies, which states that any new or renewed contracts for the confinement of offenders will include the requirement that the contracted facility comply with federal PREA standards and allow WADOC to monitor PREA compliance. It also states the department will not enter into contracts with facilities that fail to comply with PREA standards, except in emergent situation.

An interview with the contract administrator showed they were aware of this requirement and it is in practice.

§115.13 – Supervision and Monitoring

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

Clallam Bay has developed a staffing plan that provides for adequate levels of staffing, and video monitoring to protect inmates against sexual abuse, which was provided to this auditor. Clallam Bay also provided Operations Log Search Result that documented deviations from the staffing plan. A memo from the Superintendent also indicated mandatory and non-mandatory staffing and staffing emergency process is outlined in 410.345 – Emergency Staffing Plan.

Documentation provided showed custody and non-custody staff models used by the agency. A memo provided indicates that the models have been approved by the Legislature following extensive review of national correctional practices. It details custody staffing levels based on facility design and the make-up of the offender population housed at the facility. The plan contains an exception process with review and approval elements for use as needed for prison facility management. Although the non-custody staffing model is not legislatively mandated, WADOC indicated it is implemented in a similar manner.

WADOC indicates on annual bases, quality assurance audits are conducted to ensure staff is deployed in accordance with the model and to-ensure no modifications or exceptions to the model are indicated. Additionally each Superintendent is required to conduct a review of facility staffing each quarter in reports submitted to their respective Deputy Director. Clallam Bay provided a quarterly report as documentation, which also included vulnerability assessments that reviewed components of the facility's blind spots or areas where staff or inmates may be isolated and the prevalence of sexual abuse allegations.

Interviews with the Superintendent and PREA Coordinator indicate they review the staffing plan annually, as required by the standard.

WADOC indicates they are currently under no court actions that impact staffing, or any finding of inadequate by investigative agencies or oversight bodies.

WADOC also indicates that during the incident review process (critical incident review) the review takes in to account staffing and evaluates corrective action with this component.

Policy 420.370 and 110.100 require unannounced rounds as required by this standard. WADOC indicated by memo that they require that intermediate or higher level staff conduct weekly unannounced, random area visits throughout the facility. During interviews staff is aware of and follow the policy requirement that prohibits alerting other staff members that these rounds are occurring. The tours are documented and forwarded to the WADOC Deputy Director. Examples of these reports were provided to the auditor and the auditor was able to observe rounds were taking place by viewing post logs in housing units.

Clallam Bay met every element of this standard. Policy documentation was provided with 490.800 PREA Policy, 400.210 Custody Roster Management, 110.100 Prison Management Expectations, 400.200 Post Orders/Operations Manuals and Post Logs and 420.370 Security Inspections.

§115.14 – Youthful Inmates

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

Clallam Bay has demonstrated compliance with all elements of this standard. WADOC indicates that Clallam Bay would not house youthful offenders. Interviews with staff inmates indicated youthful offenders were not located at the facility. Clallam Bay provided an interagency agreement between WADOC and the Department of Social and Health Services that indicates a process for housing juvenile offenders at the Juvenile Justice and Rehabilitation unless the Secretary of WADOC approves. Clallam Bay also provide RCW 72.01.410 that further explains the process and indicates that if an offender is under the age of 18 and housed at a WADOC facility, the offender shall be kept physically separate from other offenders at all times. Policy documentation was provided for this standard in 320.500 Youthful Offender Program.

§115.15 – Limits to Cross-Gender Viewing and Searches

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

Clallam Bay meets all the elements in this standard as outlined in Limits to Cross-Gender Viewing and Searches. Policy 420.310, Searches of Offenders explains WADOC's process for searching inmates, which states that cross-gender strip or body cavity searches will not be performed except in exigent circumstances or when performed by medical practitioners.

Clallam Bay is a male facility; therefore the requirement about female offenders is not applicable.

Clallam Bay documents all cross gender strip searches and cross body cavity searches, however a memo provided by the Superintendent indicates they have not experienced any circumstances where a cross gender strip search or a cross-gender cavity search has been performed in the previous twelve months. Strip search logs were provided, which indicated the gender of the staff performing the search. All staff indicated on the logs was same gender.

Clallam Bay is in compliance with WADOC policy 420.370 and OCC Operational Memo 420.370 Section II. B, 1, which states that opposite gender staff announce themselves when they enter a housing unit. There is a further requirement that staff announce themselves when they enter an offender restroom or any area designated for offenders to disrobe or change their clothes.

Corrective Action: During the tour of the facility it was observed that announcements were taking place regularly on 2nd and third shift, but was not on 1st shift. The facility shall put out a written directive to all staff that opposite gender staff must announce themselves when entering the housing units. Proofs of such directives were supplied to this auditor. Inmate and Staff interviews indicated they were aware of the requirement the announcement be done, and that in practice, the announcement was done.

Corrective Action: During the tour it was observed that a few bathroom/shower areas did allow for staff of the opposite gender to view inmates showering, performing bodily functions and disrobing. The institution immediately created a plan to address the issue. Since the audit, the facility has sent photo's off the corrections to the auditor and the auditor is satisfied that the changes would satisfy the requirement in the standard.

Policy 490.820 prohibits searches or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Interviews with staff and inmates indicated they were aware of this requirement and that it had not been performed for this purpose in the past.

The PREA policy indicates that employees/contract staff who may conduct pat searches will be trained in cross-gender searches and searches of transgender and intersex inmates. The facility indicated 100% of staff has been trained in this area. A copy of the training curriculum was reviewed and was consistent with the standard requirement that cross gender pat searches and searches of transgender and intersex inmates be done in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

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

Clallam Bay and WADOC have taken appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of its PREA program. CBCC provided a copy of its contract with a language service it would utilize if an inmate was non-English proficient and a contract for sign language services. It also provided a log for such services and indicated in a memo that it has not received any requests for any accommodations related to receiving or providing PREA information. It also states there have not been any request for use of sign language interpreters and/or targeted orientation materials for offenders with special needs. It also provided documentation of a picture book to meet the needs of offenders with limited intellectual capabilities. The inmate PREA video shown to offenders at intake was also provided in both English and Spanish, with subtitles. Both English and Spanish posters were visible throughout the institution and English and Spanish PREA Brochures were available.

A memo from the Superintendent indicated that Clallam Bay has not had an offender used as an inmate interpreter, inmate reader, or other types of inmate assistants in incidences of sexual abuse/harassment allegations. Interviews with staff indicated they understood this protocol. Interivews conducted with limited English proficient inmates demonstrated that the facility does provided information about sexual abuse and sexual harassment that they were able to understand.

Policy documentation was included for this standard in policy 310.000 Orientation for Offenders, 450.500 Language Services for Limited English Proficient Offenders, 690.400 Offenders with Disabilities, and 490.800 PREA Prevention and Reporting.

§115.17 – Hiring and Promotion Decisions

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

Clallam Bay has met compliance with all elements of this standard. The Agency conducts background checks for new employees and on all promotions. PREA policy, 490.800, prohibits the hiring or promoting of anyone who may have contact with inmates and shall not enlist the services of any 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.

Human Resources were interviewed during the audit. The HR staff member confirmed that all employees have an affirmative duty to immediately disclose PREA related misconduct through their chain of command and material omissions or materially false information shall be grounds for termination.

All new employees, contract staff and volunteers are required to complete a sexual misconduct disclosure form that asks about prior sexual misconduct/harassment. Copies of these forms were provided as documentation to the auditor. To the extent possible for initial appointments previous institution employers are contacted. For promotional candidates, WADOC will review the Offender Management Network Information system and the PREA database for information on all PREA allegations.

Documentation was provided that all contractors and volunteers received a background check prior to having contact with inmates. Interviews conducted with Human Resources determined that they are conducting background checks for new hires, promotional employees, contractors, and volunteers.

Per the Personnel Files policy 810.005, it requires that WADOC provides information on substantiated allegations of sexual abuse or sexual harassment involving current or former employees, upon receiving a request from an institutional employer conducting a background check on the employee.

§115.18 – Upgrades to Facilities and Technology

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

Clallam Bay has met compliance in this standard. A memo from the Superintendent explained that Clallam Bay has not recognized any substantial expansion or modifications during the 12 month audit reporting period. A memo was provided from the agencies Capital Programs Director, dated October 20, 2014 stating that the only expansion or modifications in the agency did not take place at Clallam Bay, and

all projects currently in design phase considered PREA and the ability to protect inmates from sexual abuse.

Safety Committee Minutes were provided that showed Clallam Bay discussing adding camera's to various areas. Memos indicate managers discussed the placement of these cameras prior to installation and review vulnerability assessments to determine priority areas. PREA Policy 490.800 states that vulnerability assessments will be completed at least every three years and assessments will be updated as new building are added or major building renovations are completed. This policy states that WADOC will consider its ability to protect offenders from sexual misconduct when it designs or acquires a new facility, plans substantial expansions or modifications of existing facilities and when installing or updating video monitoring systems, electronic surveillance systems, or other monitoring technology.

§115.21 – Evidence Protocol and Forensic Medical Examinations

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

Clallam Bay has demonstrated compliance with all elements of this section. WADOC is responsible for conducting administrative sexual abuse investigations. All criminal sexual abuse investigations are referred to the Clallam County Sherriff's Department, or the Washington State Patrol. The agency has written a MOU with the Clallam County Sherriff's Department. Clallam Bay states that during the 12 month audit reporting period they have one incident of sexual abuse that required an offender to be taken to the hospital for a forensic medical examination or contact with a victim advocate.

An attachment to the PREA Policy, titled Sexual Assault Evidence Collection was provided to the auditor. This document outlined uniform evidence protocol as outline in the PREA standards. In addition to this document 420.375 Contraband and Evidence Handling and 420.365 Evidence Management for Work Release outlines evidence protocol consistent with the national protocol. OCC 490.850 Aggravated Sexual Assault Checklist outlines and documents proper evidence collection.

The local medical center provides a forensic medical exam by a SANE and a test for sexually transmitted diseases. Provided with documentation was the Forensic Medical Exam Procedure for transportation staff and DOC Health Care staff that provide for maximizing potential for obtaining usable physical evidence.

Staff has been trained in evidence collection and preservation to maximize the potential of collecting usable evidence, which they were able to articulate during interviews onsite.

A memo was provide by the Superintendent indicating that he has been in contact with Forks Community Hospital and they have been assured that all services needed, as required by law would be provide. Forks Community Hospital employs SAFE and SANE staff. In the event SAFE and SANE employees are not available, arrangements would be made to transport the offender to a facility where a SAFE and SANE was available. As documentation of this standard, Clallam Bay provided a statewide listing of hospitals available for forensic medical examinations and agenda and minutes of meetings with Forks Abuse Program Victim, which would respond to the hospital and provide advocacy if an incident occurred. This center is not part of the criminal justice system.

WADOC also has an agreement with the Office of Crime Victims Advocacy (OCVA) to field calls from offenders for advocacy services. OCVA staff will screen the call and transfer the caller to a geographically appropriate victim advocacy organization. A contract with OCVA and WADOC indicates that OCVA will provide services to survivors of sexual abuse by ensuring response to the hospital during a SANE exam, presence during all investigatory interviews and legal proceedings and will provide emotional support, crises intervention, information and referrals.

During tours of the facility posters for OCVA were in living units and other areas. During interviews some inmates were aware of this service and some were not. The information is also available to inmates during the orientation process.

The PREA Policy outlines the process to obtain advocacy, stating calls are toll free, will not be monitored or recorded and an IPIN will not be required.

WADOC also provided documentation of a several webinars and trainings that have been provided to advocates on providing services to incarcerated survivors.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

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

Clallam Bay has demonstrated compliance with all elements of this section. WADOC is responsible for conducting administrative sexual abuse investigations. All criminal sexual abuse investigations are referred to the Clallam County Sherriff's Department, or the Washington State Patrol. The agency has written a MOU with the Clallam County Sherriff's Department. Although Sexual Abuse is not specifically mentioned in the MOU, investigations are in general. A MOU with the Washington State Patrol was also provided. This MOU did not outline its responsibility in sexual abuse investigations.

490.860 PREA Investigation and 490.850 PREA Response was provided as documentation that all allegations of sexual abuse and sexual harassment must be investigated and the PREA Coordinator will review all allegations and determine which allegations fall within the definition of sexual misconduct, and will forward that allegation to the appropriate appointing authority for investigation.

This policy requires that allegations of sexual abuse and sexual harassment are referred for an administrative or criminal investigation. An allegation of sexual harassment is only referred for a criminal investigation if it meets a criminal standard. If it does not meet, then it is referred to the facility investigator. The policy is available on the agency website.

The agency PREA Coordinator provided a memo, dated October 2014, which states WADOC is responsible for administrative PREA investigations and that all felonies will be reported to law enforcement authorities. The PREA Coordinator also states that the sheriff's office or local police department if the facility is located within city limits are primary investigators for crimes committed in facilities. The memo states the Washington State Patrol is the only state agency authorized to conduct criminal investigations related to PREA, and to date no department of justice entity conducts PREA investigations in Washington.

Interviews with staff indicated they knew that all allegations must be reported and referred for investigation.

§115.31 – Employee Training

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

Clallam Bay has met all requirements with this standard. They require all new employees and staff to receive training regarding PREA. A copy of the training was reviewed by the auditor. This training is an on-line training course and is used for both new employees and during annual in-service. The training met all components of the standard. The training and Development Unit Manager provided a memo; dated October 2014 that training for new hires includes in-class scenario based training in addition to on-line training. The memo states that training curriculum is applicable to both male and female offenders. Review of the training program showed that the training explained gender differences in sexual abuse dynamics. Training rosters were submitted to the auditor, showing compliance.

The agency documents through electronic verification and short quizzes that employees understand the training they have received.

PREA Policy 490.800 outlines training requirements including that employees receive initial PREA training upon hire, followed by an annual refresher. It also states that when initial training is not conducted prior to assignment that the individual will sign DOC 03-478 PREA Acknowledgement prior to training and will complete training at the earliest opportunity.

FAQ 14. On the PREA Resource Center's website states that employees need to be trained on all topics in 115.31 prior to contact with inmates. The PREA Acknowledgement form does not meet compliance for 115.31.

Corrective Action: WADOC through their corrective action period, have incorporated training of all the components of the standards prior to contact with inmates. FAQ states that:

the Department has determined that while training on the specific topics outlined in § 115.31 must occur before new staff members have contact with inmates (except as outlined above), agencies and facilities can implement effective ways to ensure that such training occurs, so that vacant positions are not left open for long periods of time. For example, agencies and facilities may offer pre-service orientation training that focuses on a host of issues critical to interacting with inmates and supporting safety and security in confinement settings, including all of the topics identified in § 115.31. While more comprehensive, in-depth training may be provided later, the pre-service training must cover all of the topics identified in § 115.31, including providing new staff members with a clear understanding of their roles and responsibilities related to preventing, detecting, and responding to sexual abuse in the confinement settings. Such pre-service orientation training can be reinforced and enhanced by on-the-job training, where experienced and knowledgeable staff members partner and work with new hires to educate them further about the topics in § 115.31. More comprehensive PREA training then could be provided at the next opportunity, but no later than the time required under § 115.31(c).

Note: WADOC have revised the current brochure used in conjunction with form 03-478 PREA Acknowledgement prior to training to include all the elements required by the standard. A revised brochure has been submitted to this auditor.

§115.32– Volunteer and Contractor Training

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

The Auditor has reviewed the training curriculum and training rosters, as of this date, volunteers and contractors have received training on their responsibilities under the Agency's zero tolerance policy and sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

All contractors and volunteers training records were reviewed as well as interviews conducted showed a clear understanding of the PREA training. Contractors and Volunteers who have regular contact with inmates receive the same PREA training as all WADOC staff. Those who have limited contact receive a PREA Brochure that meets the requirements of the standards.

A memo from the Superintendent indicated that while preparing for their audit it was discovered that although all vendors were provide the PREA Brochure, a process had not been defined for identifying which vendors would require additional information and/or training. Effective February 18. 2015, the vendor log identifies the criteria used to determine those vendors who require more than the brochure.

§115.33 – Inmate Education

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

Clallam Bay has demonstrated that they have met the elements of this standard. In a memo from the Superintendent, it states that offenders who arrive at Clallam Bay who are not placed immediately in the Secured Housing Unit are scheduled for Facility Orientation to include PREA within five days. Education consists of a PREA DVD and a PREA brochure. The memo states that effective October, 2014, offenders who arrive at Clallam Bay and are immediately placed in the Secured Housing Unit are given the offender PREA brochure and the OCVA Support brochure.

A memo from WADOC Secretary dated March 10. 2006 directed that all inmates be shown the PREA video. Since that time all inmates coming through intake have seen the video and any inmate that is transferred from one facility to another is shown the video.

PREA Policy 490.800 and the Orientation for Offenders Policy 3100.00 outlines that offenders will be provided PREA information at intake and facility transfer.

All offenders also receive an offender orientation handbook at intake. Pages 10-15 provide in-depth information on PREA. The facility ensures that every inmate regardless of limitation or disability has the same access to PREA education resources. A memo from the Superintendent states there have not been any request for use of sign language interpreters and/or targeted orientation materials for offenders with special needs. It also provided documentation of a picture book to meet the needs of offenders with limited intellectual capabilities. The inmate PREA video shown to offenders at intake was also provided in both English and Spanish, with subtitles.

Educational materials were reviewed, the intake process was observed and it includes information explaining WADOC's zero tolerance policy, right to be free from retaliation, and how to report incidents or suspicions of sexual abuse and sexual harassment. It is documented that inmates participated in these education sessions, as required by the PREA policy. Documentation was provided to show compliance. Spanish and English PREA posters were also visible throughout the facility when conducting the tour.

Intake staff was knowledgeable of the policy and showed compliance during the intake process. Interviews with inmates showed that they were knowledgeable and received education as described above.

§115.34 – Specialized Training: Investigations

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

Clallam Bay has met compliance with all elements of this standard. WADOC provides specialized training that covers techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity, or sexual

abuse investigations by providing investigators an 8 hour PREA Investigations class. Training curriculum and the instructional guide was provided to the auditor as documentation.

Training rosters were provided that showed all WADOC staff at CBCC that conduct investigations have been trained. WADOC PREA Policy 490.800 and PREA Investigations Policy 490.860 outline training requirements for investigators.

Interviews conducted with the investigations showed staff was very thorough in their understanding of how to interview sexual abuse victims, Miranda and Garrity, sexual abuse evidence collection and the process to substantiate a case for administrative or criminal actions.

This standard requires that any state entity that conducts investigation of sexual abuse in confinement settings shall provide such training to its agents and investigators. The Washington State Patrol conducts criminal investigation, however, an FAQ on the PREA Resource Centers website states that the obligations does not lie with the agency being audits and auditors should not assess compliance with these training requirements by external entities

§115.35 – Specialized training: Medical and Mental health care

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

Clallam Bay has met compliance with all elements of this standard. The agency PREA Policy 490.800, Medical Management of Offenders in Cases of Alleged Sexual Abuse or Assault 610.025 and Corrections Training and Development Policy 880.100 outline specialized training obligations of medical and mental health practitioners who work regularly in its facilities.

DOC PREA training for Health Services was provided to as documentation. Training components included:

- (1) How to detect and assess signs of sexual abuse and sexual harassment;
- (2) How to preserve physical evidence of sexual abuse;
- (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
- (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

The agency/facility supplied documentation that all medical and mental health staff has been trained in reference to the standard, with exception to one staff that was on extended sick leave.

WADOC Policy 610.025 requires that offenders be transported to a designated community health facility to obtain a forensic exam. Medical staff at Clallam Bay does not conduct such examinations.

In a memo provided by the Superintendent it states that at contracted staff are trained as described in the standards. Documentation was provided. At the time of the audit Clallam Bay did not have any volunteers providing medical or mental health services.

Interviews with medical and mental health professionals at Clallam Bay indicated they had received the training and were knowledgeable in their responsibilities under PREA.

§115.41 – Screening for Risk of Victimization and Abusiveness

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

Clallam Bay has met compliance with all elements of this standard. The Agency/Facility has implemented a screening assessment that takes place during an intake but not upon transfer to another facility within 72 hours of arrival at the facility. The Facility reassesses each inmate's risk of victimization or abusiveness within a set period not to exceed 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. WADOC has defined "Intake Screening" as applying to offenders who are new commitments to WADOC or offender who are received directly from other agency facilities

The audit team spoke with Sarah True with the PREA Resource Center on the phone and the guidance was that intake should be defined as facility intake and that screening needs to take place at 72 hours, then again at 30 days.

The PREA Risk Assessment is outline in policy 490.820. The screening instrument was provided as documentation and it used considers the following criteria to assess inmates for risk of sexual victimization:

- (1) Whether the inmate has a mental, physical, or developmental disability;
- (2) The age of the inmate;
- (3) The physical build of the inmate;
- (4) Whether the inmate has previously been incarcerated;
- (5) Whether the inmate's criminal history is exclusively nonviolent;
- (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the inmate has previously experienced sexual victimization;
- (9) The inmate's own perception of vulnerability; and
- (10) Whether the inmate is detained solely for civil immigration purposes.

The Agency considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency in assessing inmates for risk of being sexually abusive.

The assessment is available on OMNI (computerized); however it is also available using the WADOC form 07-019 in the even that OMNI is not available.

Clallam Bay also provided the PREA Risk-Assessment Assessors guide, dated October 2014, that explains process and criteria of assessments. Training is also provided to staff doing the assessments, which was provided to the auditor.

Policy 490.820 PREA Screening indicates under "For Cause Assessments" that assessments will be completed when warranted and the criteria what would warrant a reassessment. It also states that Offenders are not obligated to answer assessment questions. There was no indication that inmates were disciplined for refusing to disclose complete information.

WADOC restricts access to sensitive information in the risk screening by having security group tables that outline the access that is granted and the reasons why.

Corrective Actions: WADOC / Clallam Bay has developed and implemented a process to screen inmates with 72 hours and again within 30 days of arrival at the facility. Documentation must be provided to the auditor that this screening is occurring.

§115.42 – Use of Screening Information

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

Clallam Bay has met compliance with all elements of this standard. WADOC has developed a risk screening tool utilizing the information obtained from the risk assessment to make housing, work, education, and programming assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

WADOC has established a process detailed in the Classification and Custody Facility Plan Review 300.380 and PREA Assessment and Assignments policy 490.820 that allows offender transfer information to be accessed so that the receiving facilities can hold multi-disciplinary team meetings to review the offender's status to include but not limited to PREA concerns, which is taken into consideration for job assignment, program needs, medical/mental health needs and housing. This meeting is documented on OMNI on a report titled Incoming Transport Job Screening.

Random examples of Chrono entries were provided showing PREA risk assessments completed prior to placement of an offender in a housing/bunk assignment and corresponding reviews for work, education and programming assignments.

Policy 490.820 outlines that a review is completed per the Protocol for Housing of Transgender and Intersex Offender Form 02-384 for all transgender and intersex inmates to determine the most suitable housing assignment and it includes the offender's own views related to their safety. Inmates are housed in an infirmary until a housing decision is made. The facility does not have dedicated housing for LGBTI inmates and does provide separate showering for all inmates.

The facility reported at the time of the audit there were no transgender or intersex inmates, however if there were, the placement and programming assignments for each transgender or intersex inmate is reassessed at least twice each year to review any threats to safety experienced by the inmate. Housing decisions for transgender and intersex inmates would be reviewed on a case by case basis. Clallam Bay would ensure transgender and intersex inmates would shower separately by a private shower or when no private shower is available, allowing them to shower at a specific time when no other inmates are using the shower.

§115.43 – Protective Custody

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

Clallam Bay demonstrated compliance with all the elements of this standard.

In a memo provided by the Superintendent, it indicated that during the 12 month review period, Clallam Bay Corrections Center has not placed an offender in secured housing solely due to the outcome of a PREA assessment. Offenders at Housing decisions for transgender and intersex inmates would be reviewed on a case by case basis. Clallam Bay would ensure transgender and intersex inmates would shower separately by a private shower or when no private shower is available, allowing them to shower at a specific time when no other inmates are using the shower.

WADOC Policies 490.820, 320.255, 320.260 were provided as documentation of this standard.

Clallam Bay provided a listing of offenders whose PREA risk assessment indicates risk of sexual victimization and corresponding housing assignments, as well as secured housing daily status logs for documentation.

§115.51 – Inmate Reporting

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

Clallam Bay demonstrated compliance with all elements of this standard. The WADOC and Clallam Bay have made every effort to ensure multiple ways for offenders to report concerns related to sexual abuse, sexual harassment, retaliation, staff neglect or violation of responsibilities. PREA Policy 490.800 and Mail for Prison Offenders policy 450.100 detail how inmates can report.

Through interviews it was determined that offenders were aware of many ways to report and stated that they felt safe reporting to staff at the facility.

WADOC has a MOU with Colorado Department of Corrections that details a joint agreement to serve as each other's external reporting entity, to include the Reporting Form. The MOU met the requirements that an inmate may request to remain anonymous, and that reports will be immediately forwarded to agency officials. Clallam Bay has a form created and postage paid envelope available for inmates, in which inmates do not need to indicate a return address. Forms and envelopes were observed during the tour.

A memo was provided from the Correctional Records Program Administrator that states WADOC does not detain persons solely for civil immigration purposes; therefore this portion of the standard is not applicable to WADOC.

Staff knew and understood that regardless of how a report of sexual abuse, sexual harassment, retaliation, staff neglect or violation of responsibilities is received, it must be reported and investigated. Clallam Bay has established a procedure for staff to follow that requires an affirmative responsibility to report PREA concerns privately. An offender complaint log is maintained by the PREA Coordinator and was submitted as documentation. The log indicated multiple ways inmates have reported.

In DOC PREA 101 (PREA training for all employees), staff are trained that they have privately report allegations of sexual abuse and sexual harassment to the shift commander or in which that person may have a conflict of interest, directly to the appointing authority or duty officer.

§115.52 – Exhaustion of Administrative Remedies

- Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

A memo from the Deputy Director states that WADOC does not process PREA related allegations through the internal offender grievance program. Instead grievances regarding PREA will be immediately forwarded to the appointing authority and investigated the same as any PREA allegation. He indicates an internal process has been established whereby any investigation that has been open for a period of 90 days or more is reviewed for status and issues that need to be resolved by the agency PREA Coordinator and responsible appointing authority. Offenders are generally required to exhaust all administrative remedies, to include use of the grievance process before filing litigation but WADOC states that because they have removed the ability to grieve the issue it is not a prerequisite for an offender to file related litigation.

WADOC's process makes this standard not applicable.

§115.53 – Inmate Access to Outside Confidential Support Services

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay demonstrated compliance with all elements of this standard. WADOC has an agreement with the Office of Crime Victims Advocacy (OCVA) to field calls from offenders for advocacy services. OCVA staff will screen the call and transfer the caller to a geographically appropriate victim advocacy organization. A contract with OCVA and WADOC indicates that OCVA will provide services to survivors of sexual abuse by ensuring response to the hospital during a SANE exam, presence during all investigatory interviews and legal proceedings and will provide emotional support, crises intervention, information and referrals.

During tours of the facility posters for OCVA were in living units and other areas, which included an address and telephone number. During interviews some inmates were aware of this service and some were not. The information is also available to inmates during the orientation process.

The PREA Policy outlines the process to obtain advocacy, stating calls are toll free, will not be monitored or recorded and an IPIN will not be required.

§115.54 – Third-Party Reporting

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay had demonstrated compliance in this standard. There are multiple methods that can be utilized for third party reporting, which are provided in inmate orientation.

The WADOC has a website that offers information containing links to provide information about PREA and how to make a report, including third party reporting. There is multiple ways available for third parties to

report incidents of sexual abuse or sexual harassment, including external and confidential reporting options. PREA Family Brochures are also available at facility access in both English and Spanish that describe PREA and third party reporting.

§115.61 – Staff and Agency Reporting Duties

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

Clallam Bay demonstrated compliance with all elements of this standard. Staff has been trained to report any knowledge, suspicion or information regarding an incident of sexual abuse, sexual harassment that occurred in a correctional facility, regardless if it is part of the agency.

During staff interviews they were aware they are prohibited from revealing any information related to a sexual abuse report to anyone other than and to the extent necessary to manage treatment, investigation, and other security decisions. They understood they are required to report all allegations of sexual abuse and sexual harassment through their chain of command. A memo from the Superintendent indicates that during the 12 month reporting period there were no incidences of staff breaching confidentiality with PREA.

Medical and Mental Health staff are trained that they have a duty to report and limits of confidentiality was on special PREA medical posters that are hung in the medical clinic. Interviews with medical/mental health staff indicated they were aware of this requirement.

Policies that were provided as documentation are the PREA Policy 490.800, PREA Response Policy 490.850, which indicates the appointing authority or designee will ensure notifications are made to CPS if under 18 at the time, or Adult Protective Services if the alleged victim is classified as a vulnerable adult.

WADOC requires that all allegations of sexual abuse and sexual harassment that is received by an employee, contractor or volunteer be confidentially delivered directly and immediately to the Shift Commander. The Shift Commander ensures that the information is submitted via email to the PREA Coordinator. The PREA Coordinator reviews all allegation information to determine if it falls under RPEA and if it does, the appointing authority is contacted and assigns to an investigator.

§115.62 – Agency Protection Duties

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

Clallam Bay has demonstrated compliance with all elements of this standard. The facility complies with the Agency Protection Duties that outlines staff responsibilities related to keeping an offender safe when it is learned that they may be at substantial risk of imminent sexual abuse.

The PREA Risk Assessment Policy 490.820 requires information from the risk screening to be considered. The PREA Response Policy 490.850 requires immediate action to protect inmates from sexual abuse. When a staff learns that an inmate is subject to a substantial risk of imminent sexual abuse, the staff member is required to take immediate action to protect the inmate. The aggravated Sexual Assault

Checklist indicates that first they need to ensure that the alleged victim, accused, and possible witnesses have been separated. Staff interviewed was aware of the immediate action required to protect inmates.

§115.63 – Reporting to Other Confinement Facilities

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

Clallam Bay does meet all the elements of this standard. The PREA Response Policy 490.850 indicates the responsibility to report to other confinement facilities appointing authority or facility administrator within 72 hours after receiving an allegation of sexual abuse with confined at another facility.

A memo provided indicates that Clallam Bay did not receive any allegations of sexual abuse from offender while housed at a different facility; therefore, there were no documents available to show compliance with this standard. Clallam Bay reports that it did receive allegations of sexual abuse from offenders who allege that the incident occurred while housed at Clallam Bay. In all cases the allegations were investigated. Clallam Bay provided a database that showed the allegation and outcome.

§115.64 – Staff First Responder Duties

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

Clallam Bay demonstrated compliance with all elements of this standard. All staff from the Superintendent to random staff and first responders knew of their responsibility to report.

Once reported the Aggravated Sexual Assault Checklist is initiated, which includes separating the alleged victim and abuser, crime scene preservation as required in the standard, including collection of evidence on the alleged victim and abuser.

§115.65 – Coordinated Response

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

Clallam Bay demonstrated compliance with all elements of this standard. The PREA Response Policy 490.850 states that each prison, work release, and field office will maintain a PREA Response Plan that provides detailed instructions for responding to allegations of sexual misconduct. The PREA Response Plan should consist of 4 sections composed of documents listed in the PREA Response Plan Contents

(Attachment 6 of the policy) and the plan is maintained by the PREA Liaison/designee in the shift commander's office in each prison.

Clallam Bay has a Facility PREA Response Plan in accordance with the policy titled Clallam Bay Operational Memorandum PREA Response. The plan demonstrated a coordinated response to an incident of sexual abuse among first responders, medical and mental health practitioner, investigators, and facility leadership.

Auditor interview with the Superintendent, PREA Coordinator, PCM and Investigators demonstrated knowledge and practice which further supported compliance with this standard from upper management down to the line staff. In addition to interviews, auditors reviewed completed investigations demonstrated successful use of the agency's coordinated efforts.

§115.66 – Preservation of ability to protect inmates from contact with abusers

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

Clallam Bay has demonstrated compliance to all elements of this standard. Clallam Bay provided the collective bargaining agreements for the Washington Federation of State Employees and Teamsters. Both bargaining agreements did not restrict Clallam Bay's ability to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of where and what extent discipline is warranted. The WADOC Secretary also provided a memo indicating that interest only arbitration has no impact on the agency's ability to remove alleged staff abusers from contact with any offender during the course of an investigation or upon determination of whether, and to what extent discipline is warranted.

§115.67 – Agency protection against retaliation

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

Clallam Bay meets all the elements of this standard. The Agency has it in their PREA Investigations policy 490.860 that it protects 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. The policy states that when a PREA investigation is initiated, the appointing authority of the facility where the alleged victim is housed will monitor to assess indicators or reports of retaliation against victims and reporters, and the indicators listed may include, but are not limited to: disciplinary reports,

changes in grievance trends, housing/program changes and reassignments, or negative performance reviews.

Policy indicates retaliation monitoring will occur for 90 days following the allegation or longer if the appointing authority determines it's necessary.

Clallam Bay provided a memo from the Superintendent that indicated although monitoring had been conducted, it was realized in preparing for this audit that the information was not logged, nor was documentation maintained. A tracking log was established in January 2015 and was supplied as documentation.

Interviews were conducted with the Director, Superintendent, PREA Coordinator and the PREA Compliance Manager regarding the agencies process to protect inmate from staff retaliation.

§115.68 – Post-Allegation Protective Custody

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

Clallam Bay has demonstrated compliance with all the elements of this standard. The PREA Risk Assessments and Assignments policy 490.820 outlines a process where if an offender is at risk of victimization that meets this standard, as well as the documentation provided for 115.43.

Clallam Bay provided a log of inmates that were placed in segregation during 2014 to demonstrate compliance with this standard.

§115.71 – Criminal and Administrative Agency Investigations

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

Clallam Bay has demonstrated compliance with all the elements of this standard. WADOC conducts its own administrative investigations and an external agency conducts investigations that are criminal in nature. A memo from the Director of Security and Emergency Management was supplied that states that all allegations that appear to be criminal in nature be referred to local and/or state law enforcement agencies for criminal investigation per the PREA Investigation policy 490.860 and documented utilizing DOC Form 03-505- Law Enforcement Referral of PREA Allegation.

Clallam Bay said that during the 12 month audit period they have not had any substantiated allegations that appeared to be criminal and referred for prosecution.

WADOC Policy on PREA Investigations indicated that investigations WADOC conducts will be done thoroughly, promptly and objectively.

The PREA Prevention and Reporting policy 490.800 states that PREA investigators will receive specialized training. Clallam Bay provided documentation of training. Review of the training curriculum and related policies indicate that all elements required by the standard are met.

DOC PREA for Appointing Authorities training curriculum was supplied, which addresses credibility assessments and job aid.

A memo was provided by the Correctional Records Program Administrator outlining that all investigative reports will be maintained for a period of five years (hard copy) and electronic records are maintained for a period of 50 years. The state's archive records were provided as documentation.

Interviews conducted with the Investigative staff were very knowledgeable and conveyed a good understanding of the process and how an investigation is completed thoroughly and objectively.

§115.72 – Evidentiary Standard for Administrative Investigations

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

Clallam Bay demonstrated compliance with all elements of this standard. The PREA Investigations Policy 490.860 states that there will not be a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. The appointing authority makes this determination, and the training they receive supports this standard is met.

RCW 72.09.225 was supplied as documentation, which also spoke to the level of evidentiary standard when a determination is made of a staff allegation.

The findings in an investigation of sexual abuse and sexual harassment are based on a preponderance of evidence. Interviews were conducted with the PREA Coordinator and the Internal Affairs Investigators, which supported they had an understanding of the evidentiary standards.

§115.73 – Reporting to Inmate

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

Clallam Bay demonstrated compliance in all the elements of this standard. The PREA Investigations policy 490.860 and states that the findings of the investigation will be reported to the offender, WADOC will request investigative reports from outside investigators, if the accused has been indicted on or convicted of a charge related to the sexual abuse, if the employee is no longer assigned to the offender's unit or no longer works at the same facility as the offender. Notifications are provided to offender in a confidential manager, either personally, through legal mail, or by another method determined by the Appointing authority.

Notifications are documented on the PREA Investigations Finding Sheet and samples were provided as documentation.

Clallam Bay provided a spreadsheet that indicates if the outcome of the investigation was reported to the alleged victim. A memo was provided from a PREA Research Analyst that states that WADOC headquarter PREA Unit maintains logs of offenders who have been names as the victim and suspect and is reviewed following receipt of information that a suspect offender has been indicated on or convicted of a charge of sexual abuse. The log is also regularly reviewed to update the jurisdictional status of all offenders. At this time, there have not been any instances involving a suspect indictment or conviction. The log was also supplied as documentation.

The standard states that the agency's obligation to report under this standard shall terminate if the inmate is release from the agency's custody, however policy states that if the offender has been released, the appointing authority will inform the offender of the finding in writing to the offender's last known address as documented in the offenders electronic file. This practice exceeds the requirement.

§115.76 – Disciplinary sanctions for staff

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

Clallam Bay has demonstrated compliance with all elements of this standard. WADOC requires disciplinary sanctions up to and including termination for sexual abuse or sexual harassment policy violations.

A memo was provided from WADOC Deputy Secretary that states that although agency Human Resources policies do not specify termination as presumptive discipline in instances of sexual abuse, in accordance with RCW 72.09.225 "Sexual misconduct by state employees, contractors" states in relevant part, "the secretary shall immediately institute proceedings to terminate the employee of any person: (a) who is found by WADOC, based on a preponderance of evidence, to have had sexual intercourse or sexual contact with the inmate, or (b) upon a guilty plea or conviction for any crime specified in chapter 9A.44 RCW when the victim was an inmate".

The PREA Prevention and Reporting policy 490.800 states that WADOC has zero tolerance for all forms of sexual misconduct and WADOC will impose disciplinary sanctions for such conduct, up to and including dismissal for staff.

Clallam Bay states they did not have allegations of staff sexual misconduct abuse or harassment in the 12 month period, so they were unable to provide supporting documentation.

§115.77 – Corrective action for contractors and volunteers

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

Clallam Bay demonstrated compliance with all elements of this standard. RCW 72.09.225 that directs that when the Secretary has reasonable cause to believe that sexual abuse by a contractor has occurred, the contractor will be immediately removed from any position that would permit contact with inmates. All allegations that are criminal in nature are reported to law enforcement agencies, including contractors and volunteers. WADOC takes appropriate remedial measures and considers all relevant information when determining if further contact with inmates should occur in cases of other violations of the agency's sexual misconduct policies. This is included in 490.860 (section I.J.) regarding substantiated allegations that are criminal in nature.

§115.78 – Disciplinary sanctions for inmates

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

Clallam Bay meets all elements of this standard. WADOC policy on Disciplinary Sanctions 320.150 outlines that offenders are subject to disciplinary actions if they are found in violation are adjudicated as guilty of a misconduct violation. A WAC 137.25.020 indicates that the sanction shall be commensurate with the nature and circumstances the incident and the offender. This process takes into account the inmate's mental disabilities/illness that contributed to his/her behavior when considering why type of sanction, if any, should be imposed. Offenders are disciplined for sexual contact with staff only upon finding that the staff member did not consent to such contact and inmates are not subject to discipline for a report of sexual abuse made in good faith.

Clallam Bay reports that during the 12 month audit review period, there were no inmates found guilty of infractions related to PREA.

§115.81 – Medical and mental health screenings; history of sexual abuse

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

Clallam Bay meets all the elements of this standard. PREA Screening policy 490.820 indicates that when the PREA Risk Assessment is completed, counselors and designated work release employees will complete referrals for mental health services using DOC 13-420 Request for Mental Health Assessment if an offender has experienced prior sexual victimization, whether in an institution setting or in the community or has perpetrated sexual abuse, where in an institutional setting or in the community. The referring employee will ask the offender if they wish to meet with a mental health provider and document the response. The Mental Health Services policy 630.500 outlines the assessment process.

§115.82 – Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay has demonstrated compliance with all elements of this standard. Inmates who report sexual abuse are provided immediate access to medical and mental health care at no cost to the inmate. When a report of sexual abuse is reported, Clallam Bay staff take immediate steps to protect the inmate and to report the information to medical. Medical staff have received specialized training in how to preserve evidence and ensure that the victim is provided timely information about emergency contraception and sexually transmitted disease prophylaxis when medically appropriate. Care is provided for victims of sexual abuse at no cost to the inmate regardless of whether or not they cooperate in identifying the abuser or cooperate with the investigation.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay has demonstrated compliance with all elements of this standard. Clallam Bay provides services to offender victims regardless of their cooperation with investigators or refusal to identify an aggressor. Clallam Bay provides medical and mental health care to all inmates who have reported to be victims of sexual abuse in an institutional setting at no cost to the inmate. As part of the medical and mental health care, they receive follow up care and counseling as well as outside services with rape crisis centers and other contracted advocacy groups. As part of the medical care, when medical indicated, victims receive pregnancy tests, tests for sexually transmitted diseases, hepatitis and offered any appropriate care as indicated to include information regarding the interruption of a pregnancy.

§115.86 – Sexual abuse incident reviews

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay demonstrated compliance with all elements of this standard. At the conclusion of every investigation into a sexual abuse allegation, Clallam Bay's PREA Review Committee meets to discuss the outcome and findings and consider what causal factors may or may not have been a factor into the incident and if needed, how to respond to identified concerns. An Incident Review had been completed for substantiated and unsubstantiated PREA cases within the required 30 days.

§115.87 – Data Collection

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay has demonstrated compliance with all elements of this standard as evidenced by the facility incident reviews that occur up completion of each substantiated and unsubstantiated PREA allegation. This data is compiled from all agency facilities and aggregated into a report that is submitted to the agency secretary for review and to U.S. Department of Justice upon request.

§115.88 – Data Review for Corrective Action

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay has demonstrated compliance with all elements of this standard as evidenced by the facility incident reviews that occur up completion of each substantiated and unsubstantiated PREA allegation.

The department has developed and published on its website a thorough and detailed report and analysis identifying problem areas and corrective action. Additionally, they have produced and published a report with a comparison with previous years' data and an assessment regarding the agency's progress in addressing sexual abuse.

This data is compiled from all agency facilities and aggregated into a report that is submitted to Secretary Warner for review and to U.S. Department of Justice upon request.

§§115.89 – Data Storage, Publication, and Destruction

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Clallam Bay and the Washington State Department of Corrections have demonstrated compliance with all elements of this standard. The Agency PREA Coordinator collects data and reports from all facilities and compiles a report annually of investigations of all allegations of sexual abuse and sexual harassment.

The Agency Coordinator compiles the report which consists of prevention and response, findings of corrective action and the assessment of the Department's progress in addressing sexual abuse and sexual harassment against previous years. The Agency PREA Coordinator will then submit the report to the WADOC Secretary for their review. Once the review is complete a copy is then placed on the department's website. All data and reports are submitted to the U.S. Department of Justice upon request.

The PREA Coordinator maintains electronic records of sexual abuse and sexual harassment cases pursuant to the state's Records Retention Schedule. All investigation records are retained for five years after the close of the investigation. Excluded are records covered by the Prison Rape Elimination Act which are retained for 50 years after the close of the investigation. This includes incident and investigative reports, evidence cards, photographs, interviews, and other related items.

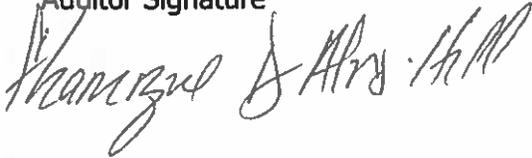
AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Shamroque D Alvis-Hill

November 16, 2015

Auditor Signature



Date

11/16/2015



Department of Justice PREA Audit Corrective Action Plan Washington State Department of Corrections

Facility: Clallam Bay Corrections Center	Dates of on-site Audit: June 17 – 19, 2015
Auditor(s): Shamroque D Alvis-Hill	

Standard	Auditor Comments regarding Non-Compliance	Planned Corrective Action	Planned Completion Date	Actual Completion Date
115.16	<p>During the tour of the facility it was observed that announcements were taking place regularly on 2nd and third shift, but was not on 1st shift. The facility shall put out a written directive to all staff that opposite gender staff must announce themselves when entering the housing units.</p>	<p>Proofs of such directives were supplied to the auditor.</p>	07/19/2015	06/15/2015
115.16	<p>During the tour it was observed that a few bathroom/shower areas did allow for staff of the opposite gender to view inmates showering, performing bodily functions and disrobing. The institution immediately created a plan to address the issue.</p>	<p>The facility has sent photos of the corrections to the auditor and the auditor is satisfied that the changes would satisfy the requirement in the standard.</p>	07/19/2015	07/14/2015

Standard	Auditor Comments regarding Non-Compliance	Planned Corrective Action	Planned Completion Date	Actual Completion Date
115.31	<p>Policy requires that when initial training is not conducted prior to assignment, the individual will sign 03-478 PREA Acknowledgement prior to Training and will complete training at the earliest opportunity. PRC FAQ indicates that training must occur before new staff members have contact with offenders, but does allow agencies and facilities to implement effective ways to ensure that such training occurs so that vacant positions are not left open for long periods of time. While more comprehensive, in-depth training may be provided later, the pre-service training must cover all of the topics identified in 115.31, including providing new staff members with a clear understanding of their roles and responsibilities related to preventing, detecting, and responding to sexual abuse in confinement settings. WADOC must incorporate training of all the components of the standards prior to contact with inmates.</p>	<p>Update brochure information provided to staff as accompaniment DOC 03-478 to include all elements outlined in the standard.</p>	11/15/2015	10/21/2015
115.41	<p>WADOC completes initial (with 72 hour) assessments on offenders at WCC and updates these assessments within 30 days of transfer. Initial assessments are not completed at a transfer / parent facility unless the offender is not received from another WADOC facility. WADOC / OCC must develop a process to screen inmates within 72 hours of arrival at EACH facility and again within 30 days of arrival at the facility.</p>	<p>Implement system to require a 72-hour intake assessment with 30-day follow up reassessment agency-wide whenever an offender transfers between facilities. Incorporate into agency policy 490.820 <i>Prison Rape Elimination Act (PREA) Risk Assessments and Assignments.</i></p>	11/15/2015	10/29/2015

Facility: Clallam Bay Corrections Center	Dates of on-site Audit: June 17 – 19, 2015
Auditor(s): Shamroque D Alvis-Hill	

Standard	Auditor Comments regarding Non-Compliance	Planned Corrective Action	Planned Completion Date	Actual Completion Date
115.77	A directive needs to be issued or policy change that requires notification to licensing bodies when appropriate. WADOC must provide documentation to the auditor showing a requirement to report to licensing bodies.	Discussed with auditor, identified applicable section in existing policy. Interim report will be revised to reflect. Additionally, WADOC will amend policy on next revision (prior to 12/31/15) to further clarify.	09/01/2015	08/26/2015

Facility: Callam Bay Corrections Center	Dates of on-site Audit: June 17 – 19, 2015
Auditor(s): Shamroque D Alvis-Hill	

Approval of corrective action plan:			
Position	Name	Signature	Date
Facility Administrator	Superintendent Ron Haynes	Retained on file	10/06/2015
Auditor	Shamroque D Alvis-Hill	Retained on file	10/06/2015
PREA Coordinator	Beth Schubach	Retained on file	10/05/2015

Certification of completion of identified corrective action:			
Position	Name	Signature	Date
Facility Administrator	Superintendent Ron Haynes	Retained on file	11/03/2015
Auditor	Shamroque D Alvis-Hill	Retained on file	11/02/2015
PREA Coordinator	Beth Schubach	Retained on file	10/29/2015