

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

Interim       Final

Date of Report    May 2, 2018

### Auditor Information

Name:    Dave Cotten	Email:    dave@preaauditing.com
Company Name:    PREA Auditors or America, LLC	
Mailing Address:    P.O. Box 2111	City, State, Zip:    Hotchkiss CO 81419
Telephone:    (970)250-5719	Date of Facility Visit:    March 20-21, 2018

### Agency Information

Name of Agency:		Governing Authority or Parent Agency (If Applicable):	
355 Security Forces Squadron Confinement		US Air Force Security Forces Center	
Physical Address:    3345 S. First Street, DMAFB AZ 85707		City, State, Zip:    JBSA-Lackland, TX 78236-0119	
Mailing Address:    same		City, State, Zip: <a href="#">Click or tap here to enter text.</a>	
Telephone:    520-228-3424		Is Agency accredited by any organization? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
The Agency Is:		<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> Military	<input type="checkbox"/> State	<input type="checkbox"/> Federal
<b>Agency mission:</b> The Corrections Division is responsible for the transfer and management of Air Force courts-martialed members from worldwide confinement facilities for continued confinement in Regional Correctional Facilities (RCFs) operated by the Department of Air Force, Army, Navy, and Marine Corps. The division maintains courts-martial, personnel, and financial data of inmates confined in the Air Force Corrections System and members released on parole or appellate leave.			
<b>Agency Website with PREA Information:</b> <a href="https://afsmil.lackland.af.mil/sfe-correctionsdivision.html">https://afsmil.lackland.af.mil/sfe-correctionsdivision.html</a>			

### Agency Chief Executive Officer

Name:    Joseph Wegner	Title:    Director, US Air Force Corrections
Email:    joseph.wegner@us.af.mil	Telephone:    210-925-7733

### Agency-Wide PREA Coordinator

Name:    Marcus Sidney	Title:    PREA Coordinator
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<b>Email:</b> marcus.sidney.1@us.af.mil	<b>Telephone:</b> 210-925-0845
<b>PREA Coordinator Reports to:</b> Joseph Wegner, Director USAF Corrections	<b>Number of Compliance Managers who report to the PREA Coordinator</b> 20 to 22

### Facility Information

<b>Name of Facility:</b> Davis-Monthan AFB, 355 Security Forces Squadron/Confinement	
<b>Physical Address:</b> 3345 S. First Street, DMAFB AZ 85707	
<b>Mailing Address (if different than above):</b> Click or tap here to enter text.	
<b>Telephone Number:</b> 520-228-3424	
<b>The Facility Is:</b>	<input checked="" type="checkbox"/> Military <input type="checkbox"/> Private for profit <input type="checkbox"/> Private not for profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County <input type="checkbox"/> State <input type="checkbox"/> Federal
<b>Facility Type:</b>	<input checked="" type="checkbox"/> Jail <input type="checkbox"/> Prison
<b>Facility Mission:</b>	
<b>Facility Website with PREA Information:</b> <a href="https://afsmil.lackland.af.mil/sfe-correctionsdivision.html">https://afsmil.lackland.af.mil/sfe-correctionsdivision.html</a>	

### Warden/Superintendent

<b>Name:</b> Melissa L. Hull	<b>Title:</b> Commander, 355 SFS Confinement
<b>Email:</b> Melissa.hull@us.af.mil	<b>Telephone:</b> 520-228-5149

### Facility PREA Compliance Manager

<b>Name:</b> Christopher A. Germain	<b>Title:</b> 355 SFS/NCOIC, Training
<b>Email:</b> christopher.germain2@us.af.mil	<b>Telephone:</b> 520-228-6777

### Facility Health Service Administrator

<b>Name:</b> 355th Medical Group	<b>Title:</b>
<b>Email:</b> Click or tap here to enter text.	<b>Telephone:</b> 520-228-2778

### Facility Characteristics

<b>Designated Facility Capacity:</b> 8	<b>Current Population of Facility:</b> 4
<b>Number of inmates admitted to facility during the past 12 months</b>	16
<b>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:</b>	10

Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:		16	
Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:		0	
Age Range of Population:	Youthful Inmates Under 18: 0	Adults: 18 and up	
Are youthful inmates housed separately from the adult population?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input checked="" type="checkbox"/> NA	
Number of youthful inmates housed at this facility during the past 12 months:		0	
Average length of stay or time under supervision:		N/A	
Facility security level/inmate custody levels:		Medium	
Number of staff currently employed by the facility who may have contact with inmates:		4	
Number of staff hired by the facility during the past 12 months who may have contact with inmates:		2	
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:		0	
<b>Physical Plant</b>			
Number of Buildings: one (1)		Number of Single Cell Housing Units: 0	
Number of Multiple Occupancy Cell Housing Units:		0	
Number of Open Bay/Dorm Housing Units:		1	
Number of Segregation Cells (Administrative and Disciplinary):		2	
Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.):			
Click or tap here to enter text. There are 7 cameras, 2-In the open bay, 1-dayroom, 1-each segregation cells (2) 1-phone room, 1-in the visitation room. All shower/toilet areas have been blocked out for privacy.			
<b>Medical</b>			
Type of Medical Facility: Air Force Base Medical Facility		355th Medical Group (offsite)	
Forensic sexual assault medical exams are conducted at:		Click or tap here to enter text.	
<b>Other</b>			
Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:		0	
Number of investigators the agency currently employs to investigate allegations of sexual abuse:		1 with backup	

# Audit Findings

## Audit Narrative

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

Davis-Monthan Air Force Base 355<sup>th</sup> Security Forces Squadron Confinement provided the auditor with file documentation prior to the onsite audit. Auditor completed as much of the pre-onsite phase of the audit tool as possible prior to the on-site visit.

Auditor arrived at the facility on 03/20/18 at approximately 9:00 am and was escorted to the 355<sup>th</sup> SFS headquarters. An in-briefing was conducted with the auditor at 9:30 am with the following staff: Major Hull, Commander; Capt. Goss, Operations Officer, SMSgt. Sealy, SFS Manager, MSgt. Germain, PREA Compliance Manager; MSgt. Mitchell, NCOIC of Operations; TSgt. Torres, NCOIC of Confinement; SSgt. Taylor-Thomas, Confinement Officer; and SSgt. Alexander, NCOIC of Confinement, Minot AFB (observer). A short tour of the small military confinement facility was then conducted. Auditor found the jail-like setting to be clean and orderly with two separation or segregation cells and one open bay type area. Noted during the tour was the placement of cameras, the number of staff on duty, cleanliness of the complex and the number of confinees present. There were no confinees in the separation cells and three confinees were in the open bay. All were adult males. Throughout the tour, and subsequent visits to the cells/room, confinees and staff were questioned about confinees' ability to use bathrooms, showers, etc... without staff of the opposite gender viewing them and about staff of the opposite gender announcing their presence in the housing areas. Confinees all stated they felt safe in this environment and were treated with respect and professionalism by assigned staff. The toilet/shower area is separate from the sleeping area. To protect transgender or intersex confinees from being viewed by other confinees (should the need occur) all confinees move to an area out of view of the hygiene area anytime another confinee is in the shower or on the toilet. This appears to be possible due to the few number of confinees at one time and being in a military organization, they follow orders.

Interviews with staff and confinees began immediately after the tour and continued into day 2. A total of eight facility staff were interviewed, three of those as random staff from both shifts. Five non-facility staff were interviewed including one investigator for the US Air Force Office of Special Investigation (AFOSI), two from Sexual Assault Prevention and Reporting Office (SAPRO), one from Southern Arizona Center Against Sexual Assault and one from Tucson Medical Center (TMC) as a SANE/SAFE. The unique setting within military confinement facility, only two staff interviewed (both interviewed as random) are not also one of the specialized staff interviewed. There were no contract staff and no volunteers to interview.

All three confinees were interviewed. There were no LEP or disabled confinees, no confinees reporting sexual abuse, no LGBTI, no female or youthful confinees.

This facility has had no reported sexual assault, sexual abuse, sexual harassment or sexual misconduct reports filed within the last year. This is their initial audit. The facility has no medical or mental health staff assigned. All confinees are military and are escorted to the local on-base medical clinic for treatment as needed. Occasional one on one programs occur for drug and alcohol or similar program. Confinees are escorted and under direct supervision of confinement staff for any appointment.

In a unique, but apparently effective, system of reporting and access to outside services, the Air Force uses "Sexual Assault Prevention and Reporting" office (SAPRO) which includes a Sexual Assault Reporting Coordinator (SARC). SAPRO is a military wide reporting and response system for all military, including confinees within the level one facilities. Pursuant to PREA standards, auditor did talk to representatives from the Davis-Monthan AFB SAPRO including SARC Mike Starkey and victim advocate, Teresa Perrin. Staff state they do provide a restricted and unrestricted reporting method for confinees, access to SANE/SAFE, access to emotional support, crisis intervention, and a victim advocate throughout the entire process if requested. This facility has no yet received a report from the confinement facility. They feel confident of their abilities to respond as they have handled incidents from the Air Force base in general. The David-Monthan SAPRO does have an existing MOU (and pending update) with the Southern Arizona Center Against Sexual Assault (SACASA) in and for support and relationships with the Tucson Medical Center for SANE/SAFE (MOU) and other local agencies. In a discussion with SACASA representative, they do provide for SAFE/SANE as needed for DM AFB, including confinees as requested through an MOU with TMC. SACASA also provides "crisis" advocates and on-going emotional support as needed as a result of sexual abuse. SAFE/SANE at TMC was interviewed via the phone and stated the facility, including herself, do perform SANE/SAFE and are trained and certified to do so. She stated they would do SANE/SAFE for any person assigned to the AFB, including confinees.

Also unique is the investigation of sexual abuse. The AF Office of Special Investigations (AFOSI or OSI), an outside agency, receives all reports and therefore investigates all reports initially, to include the collection of any/all evidence. Per interviews with both, OSI and SAPRO share information and work together to ensure appropriate response and support to victims. As OSI is an outside agency, compliance with related standards is not required. However, interviews with an OSI investigator are documented in this report.

An out-brief was conducted with the same staff present as the in-brief plus SMSgt. Werner, Operations Superintendent and SrA. Parmer, Confinement Officer.

Three standards were found to not be compliant upon completion of the pre-audit document review, community resource outreach, on-site visit, PREA audit tool and the review of all provided documentation. Each of these standards was corrected prior to the submittal of an interim report. (see summary of report below)

## Facility Characteristics

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

Davis-Monthan AFB Confinement Facility is a small jail-like facility with 8 total beds, but only housing three confinees at the time of the onsite visit. Staff indicate they rarely have more than five confinees and routinely will have one or two, or even no confinees. No confinees are, or have been, housed for more than 180 days. Living units consist of one large open bay area and two segregation or separation cells. The facility houses only adult male confinees but is not disallowed from housing youthful or female detainees should the need arise. Physical plant layout would allow for separate areas for females if needed and separation, including sight and sound separation for youthful confinees if necessary. Approximately 7 cameras are in place in the common areas of the facility.

Confinees are escorted and under constant direct supervision from the confinement area to a dining area shared with other Air Force personnel as well as a recreation area. The facility also has no onsite medical or mental health providers. Confinees are escorted to the on-base medical clinic if needed. SAFE/SANE services are available through the Sexual Assault Prevention and Reporting Office (SAPRO) who has an MOU with the SACASA and subsequently Tucson Medical Center.

Use of the phone is allowed by request and the confinee is escorted to an office like area and left alone to use the phone. Camera coverage is available in this area. PREA brochures, containing reporting phone numbers, and third-party reporting forms were noticed to be available as well as a PREA form drop box.

Access to the facility is through a 24-hour manned entry point controlled by staff with manual keys or remotely, via camera system, through the SFS “dispatch” center, similar to a police dispatch center. Minimum staffing is two staff physically present from 6:00 am to 9:00pm, Monday through Friday, then dispatch coverage via cameras any time staff are not physically present in the confinement area. The dispatch office is in the same building and is staffed by two persons, one of whom can respond to the confinement area immediately if necessary. Similar to a county jail, Security Forces staff are always on duty and can respond as requested/required, including both male and female staff.

## Summary of Audit Findings

*The summary should include the number of standards exceeded, number of standards met, and number of standards not met, **along with a list of each of the standards in each category.** If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance.*

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

**Number of Standards Exceeded:** none (0)

Click or tap here to enter text.

**Number of Standards Met:** forty five (45)

115.11, 115.12, 115.13, 115.14, 115.15 115.16, 115.17, 115.18, 115.21, 115.22, 115.31, 115.32, 115.34, 115.35, 115.41, 115.42, 115.43, 115.51, 115.52, 115.53, 115.54, 115.61, 115.62, 115.63, 115.64, 115.65, 115.66, 115.67, 115.68, 115.71, 115.72, 115.73, 115.76, 115.77, 115.78, 115.81, 115.82, 115.83, 115.86, 115.87, 115.88, 115.89, 115.93, 115.401 & 115.403

**Number of Standards Not Met: None (0) (see below)**

Three (3) standards required corrective action. All three were corrected prior to submitting of an interim report due to discussions and response from the facility, therefore an interim was not required.

115.13, 115.41, 115.72

**Summary of Corrective Action (if any)**

115.13-- The facility needs to provide evidence of compliance of unannounced rounds being conducted by intermediate or higher-level supervisors during evening, night and weekend hours.

**ACTION TAKEN:** The facility reviewed blotters for several previous weeks and forwarded, to the auditor, blotter entries indicating unannounced rounds are being conducted on weekends and after normal working hours and during working hours. The evidence was provided prior to submitting report, therefore the facility is now compliant.

115.41-- Standard requires--Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. The facility recognized they had misinterpreted the wording of the standard and were not in compliance at the time of the on-site visit. They immediately corrected this by completing the documentation immediately, then forwarded each respective re-assessment to the auditor since the onsite visit. As the facility only had two confinees needing re-assessment and may or may not have any more in the next few weeks, the auditor has determined the facility to be compliant on this element based on their prompt corrective action and their acknowledgment of misinterpretation.

**ACTION TAKEN:** Davis-Monthan produced two re-assessments of the only two confinees who have been confined longer than 30 days. Due to the few number of confinees assigned to the facility over time, it may be several weeks or months before they have another. Therefore, with the facility now compliant with current confinees, they are now considered compliant with this standard.

115.72—Standard requires the agency/facility policy provide that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? Facility needs to produce documentation to show compliance with this standard.

**ACTION TAKEN:** Davis-Monthan produced an update to policy with the following:

F. Investigation of Incidents [C.F.R. 115.21(a)(b)(c)(f) and(h) , 115.22, 115.71, 115.72, 115.73] (1) The CF ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to AFOSI. CF does not impose a higher standard than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

The facility is now compliant.

## PREVENTION PLANNING

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

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

#### 115.11 (a)

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

#### 115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator?  Yes  No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy?  Yes  No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?  
 Yes  No

#### 115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)  Yes  No  NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)  
 Yes  No  NA

#### Auditor Overall Compliance Determination

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

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

## Instructions for Overall Compliance Determination Narrative

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

### **Policy: 355th SFS PREA Guidance Ch 2 pg 3**

1. The Air Force Corrections System is committed to zero tolerance of any form of sexual abuse and sexual harassment in facilities it operates directly or with which it holds contracts for the incarceration of inmates and detainees. The purpose of this guidance is to outline the approach to preventing, detecting, and responding to sexual abuse.

2. ZERO TOLERANCE POLICY [C.F.R. 115.11(a), AFI 31-105 para 1.3.12.2.2.]

The 355 SFS has a zero tolerance policy towards all forms of sexual abuse and sexual harassment. This policy is directed by 28 Code of Federal Regulations (C.F.R.) Part 115, Air Force Instruction (AFI) 31-105, and reaffirmed in this or the enforcement prevention, detection, and response to such conduct.

### **355th SFS PREA Guidance Sec 4 pg 7**

355 SFS adopts and implements the following measures to prevent and detect sexual abuse and sexual harassment in its confinement facility: 4.A. Staffing Plan/Video Monitoring; 4.B. Unannounced Rounds; 4.C Youthful Inmates; 4.D. Transgender Intake, Cross Gender Viewing and Searches; 4.E. Inmates with Limited English Proficiency or Disabilities; 4.F. Screening of Inmates; and 4.G. Protection of Inmates Facing Substantial Risk

### **355th SFS PREA Guide Sec 5 para H pg 22**

H. Sanctions against Sexual Abusers When Allegations are Substantiated [C.F.R. 115.76, AFI 31-105 para 2.5.2] (1) Disciplinary Sanctions for Staff

(a) Staff are subject to disciplinary actions for violating Air Force sexual abuse or sexual harassment policies.

(b) Disciplinary actions taken for any staff member are IAW Air Force policy, DoD policy, Military Law, the Uniform Code of Military Justice (UCMJ), and Federal Law.

(2) Disciplinary Sanctions for Inmates [C.F.R. 115.78, AFI 31-105 para 9.1]

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

(b) Disciplinary actions taken for any inmate are IAW Air Force policy, DoD policy, military law and the Uniform Code of Military Justice UCMJ).

### **355 SFS PREA Guidance Sec 3 pg 6**

## 1. PREA COORDINATOR [C.F.R. 115.11(b), AFI 31-105 para 1.3.4.1.8.]

Air Force Security Forces Center (AFSFC) designates a PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards. The PREA Coordinator works with Department of Justice sanctioned PREA Non-Governmental Organizations, PREA offices assigned to Federal, State, or Local agencies, DoD's PREA offices, and PREA compliance managers at facilities under the Air Force Corrections System to ensure Service wide PREA compliance.

A. PREA Compliance Manager (PCM) (1) The Defense Force Commander (DFC) designates a facility PREA Compliance Manager with sufficient time and authority to coordinate the facilities efforts to comply under PREA. The facility level PREA compliance manager follows the administrative lead of the Air Force level PREA compliance coordinator in order to share information and efforts to ensure satisfactory inspection compliance. PREA Compliance Managers are responsible for day-to-day functions related to PREA implementation and response in their squadron's CF. Due to the size of the Level I Air Force Facilities, the compliance manager position can be staffed as an additional duty. The compliance manager collaborates with the Confinement NCO to ensure the prevention, detection, and adequate response to sexual abuse in confinement. Duties include:

- (a) Oversees PREA compliance efforts within the CF
- (b) Serves as the point of contact within the facility for all PREA-related issues
- (c) Maintains (or can easily locate) documentation as required by the PREA standards of facility-based operations, such as unannounced rounds, staff/confinee training, practices, investigations, etc.
- (d) Observes operations within the squadron's CF to assess compliance (prevention, detection, response efforts)
- (e) Works with the AF PREA coordinator on matters within their CF

**Observations and Interviews:** The agency's PREA Coordinator is Mr. Sidney Marcus who is identified in policy and in organizational charts and appointing memo. Mr. Sidney states this is his only assigned job and feels he has sufficient time and authority to perform the job of overseeing 20 to 22 level one confinement facilities. His office is at Lackland AFB and he reports directly to the agency head of Air Force Corrections, Mr. Joseph Wegner.

The facility PREA Compliance Manager is MSgt. Christopher Germain. He is identified in policy and organization charts. MSgt. Germain states he has sufficient time to perform his duties as PREA Manager. He is also the SFS Training Sergeant.

**Finding:** (compliant) The agency and facility has policy in place mandating zero tolerance for sexual misconduct, have policy outlining the agency's/facility's approach to preventing, detecting and responding to sexual misconduct have assigned an agency PREA Coordinator and a facility PREA Manager. The agency and facility are compliant and meet the elements of this standard.

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

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

**115.12 (a)**

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)  Yes  No  NA

**115.12 (b)**

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates OR the response to 115.12(a)-1 is "NO".)  Yes  No  NA

**Auditor Overall Compliance Determination**

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

**Instructions for Overall Compliance Determination Narrative**

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

**Observations and interviews:** The 355 SFS does not contract with any other agency/facility to confine its confinees. This was confirmed through interviews with the agency head, Mr. Wegner and the agency PREA Coordinator Mr. Marcus.

**Finding:** (compliant)

**Standard 115.13: Supervision and monitoring**

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

**115.13 (a)**

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

- Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No

#### 115.13 (b)

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

#### 115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?  Yes  No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?  Yes  No
- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?  Yes  No

#### 115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?  Yes  No
- Is this policy and practice implemented for night shifts as well as day shifts?  Yes  No
- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

**Policy:** PREA Continuity binder for Staffing Plan, 355 SFS PREA Guidance

#### **4. PREVENTING AND DETECTING SEXUAL ABUSE AND HARASSMENT [C.F.R. 115.13 and AFI 31-105, 2.4.1.3.1.]**

The 355 SFS adopts and implement the following measures to prevent and detect sexual abuse and sexual harassment in its confinement facility:

##### A. Staffing Plan/Video Monitoring

(1) The CF develops, documents, and makes its best effort to comply on a regular basis with a staffing plan (template located on the SF SMARTnet). The plan ensures adequate levels of staffing and video monitoring to protect confinees against sexual abuse. The staffing plan ensures that the following factors are taken into consideration:

- (a) Generally accepted detention and correctional practices
- (b) Any judicial findings of inadequacy
- (c) Any findings of inadequacy from Federal investigative agencies
- (d) Any findings of inadequacy from internal or external oversight bodies
- (e) All components of the facility's physical plan
- (f) The composition of the confinee population
- (g) The number and placement of supervisory staff
- (h) Programs occurring on a particular shift
- (i) Any applicable state or local laws, regulations, or standards
- (j) The prevalence of substantiated and unsubstantiated incident of sexual abuse

(2) 355 SFS makes its best efforts to comply with the staffing and video monitoring plan. In circumstances where it is not complied with, the CF will document, justify, and ensure the approval of all deviations by the DFC or designee.

(3) Under PREA, the DFC conducts an annual review of the staffing plan (manpower), CCTV plan, and policy of documented (blotter) on-duty/off-duty higher level unannounced supervisory visits. The staffing plan along with the Annual PREA Report is sent to AFSFC/FC at afsfc.sfcv.1@us.af.mil NLT 16 Jan CY.

NOTE: The Air Force considers undue viewing of the opposite gender to include viewing on CCTV monitors. Since CCTV is not authorized in the shower or toilet areas, the intention of the Air Force is that CCTV use in segregation or suicide watch cells will be monitored by same gender staff. (If the cell can be converted from segregation cell to general population cell, the camera lens must be capped.)

##### **355 SFS PREA Guide Sec 4, para 3b, pg 9/**

The rounds are documented on the Air Force Form 53/SF Blotter and can be located in PRE Continuity Book

##### **355 SFS PREA Guide Sec 4, para B.1, pg 8.**

355 SFS policy prohibits staff members who are aware of these rounds from alerting other staff as to when or where these rounds are occurring, unless related to the legitimate operational needs of the facility.

### Observations and Interviews:

In interviewing all supervisory/management staff, the auditor determined there have been no judicial findings of inadequacy and no findings of inadequacy from Federal investigative agencies or internal or external oversight bodies. There have been no substantiated or unsubstantiated incidents of sexual abuse or harassment. The composition of the population is all English-speaking adult male adults. The facility averages 3 confinees per day.

Due to the availability of SFS staff 24/7, the facility has never deviated from its staffing plan by always having staff available. Therefore, no reports of deviation have occurred.

Interviews conducted with the PREA Coordinator indicates he reviews each facility's staffing plan at least annually and meets with respective facility, either in person or by phone, to discuss adjustments or needed adjustments to the plan, video or other monitoring devices and future plans. These meetings are documented and added to his annual report.

Confinees interviewed stated they have seen higher ranking individuals tour the facility and those staff do stop and talk with them. Confinement staff state they regularly see the Captain, the Master Sergeant or flight chiefs and 1<sup>st</sup> sergeants. Higher ranking and intermediate staff interviewed included the Captain, a MSgt and SMSgt. All stated they do unannounced rounds and do them at night and weekends as well as during working hours and document those rounds on the blotter. The auditor reviewed dispatch blotters showing several unannounced rounds however, no records indicated after hours or weekend rounds. Policy requires staff not announce when supervisors enter the facility however, staff must grant access to the area through electronic locks.

**Finding:** (compliant) The facility is compliant in all areas based on the above policy and information obtained through tour observation and interviews with the exception of records indicating after hours/weekend unannounced rounds being conducted.

**Corrective action:** The facility needs to provide evidence of compliance of unannounced rounds being conducted by intermediate or higher level supervisors during evening, night and weekend hours.

**ACTION TAKEN:** The facility reviewed blotters for several previous weeks and forwarded, to the auditor, blotter entries indicating unannounced rounds are being conducted on weekends and after normal working hours and during working hours. The evidence was provided prior to submitting report, therefore are now compliant.

## Standard 115.14: Youthful inmates

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

#### 115.14 (a)

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

#### 115.14 (b)

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

#### 115.14 (c)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

**Policy: 355 SFS PREA Guide Sec 4, para C, pg 9**

#### **C. Youthful Confinees [C.F.R. 115.14]**

- (1) Very few military members are in the Service under 18, however with parental approval, enlistment could occur at age 17. If this situation occurs, it is most likely at Lackland Air Force Base or an installation that hosts technical training. If sexual victimization is discovered by

medical or mental health practitioners, informed consent is not needed by the treatment staff to report this information to the confinement staff per PREA.

- (2) In these rare cases, youthful confinees shall not be allowed to have sight, sound or physical contact with any adult confinee when using showers, dayrooms, sleeping quarters, or common areas where adult confinees are present in the housing unit.
- (3) Youthful confinees will be escorted at all times when outside of their housing unit.
- (4) Youthful confinees shall have access to all programs available to general population confinees and a work detail assigned. The restrictive housing will only be used for housing youthful confinees if the following conditions exist:
  - (a) Reception.
  - (b) Investigation.
  - (c) Violation of facility rules.
  - (d) Medical observation.
- (1) (e) No available space in the general housing unit to accommodate youthful confinees without violating the PREA standard.

### **355 SFS PREA Guide Sec 4, para C, pg 9.**

Due to the layout of our facility youthful confinees will be separated in a segregation cell and not allowed to have sight, sound or physical contact with adult confinees.

**Observations and Interviews:** 355<sup>th</sup> SFS confinement facility does not house youthful offenders. Although this is not in policy, the facility has never housed a youthful offender and has a high likelihood that this would not occur.

**Finding:** (compliant) The facility has not housed any youthful confinees and are highly likely not to house youthful confinees. Plans are in place, for a short time frame, should that occur until the confinee could be transferred to another, more appropriate facility.

## **Standard 115.15: Limits to cross-gender viewing and searches**

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

#### **115.15 (a)**

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?  
 Yes  No

#### **115.15 (b)**

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20,2017.)  Yes  No  NA

- Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 inmates before August 20, 2017.)  Yes  No  NA

#### 115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?  Yes  No
- Does the facility document all cross-gender pat-down searches of female inmates?  Yes  No

#### 115.15 (d)

- Does the facility implement a policy and practice that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?  Yes  No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?  Yes  No

#### 115.15 (e)

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

#### 115.15 (f)

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

#### Auditor Overall Compliance Determination

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

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

### **Instructions for Overall Compliance Determination Narrative**

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

#### **Policy: 355 SFS PREA Guide Sec 4**

(3) Searches:

- (a) Confinement staff shall not conduct opposite gender strip or frisk searches except in exigent circumstances IAW AFI 31-105, Air Force Corrections System.
- (b) All opposite gender strip and frisk searches, will be documented in the Security Forces and Confinement blotter IAW AFI 31-105.

#### **355 SFS PREA Guide Sec 4, para D.3c, pg 11.**

(2) Searches:

- (c) IAW C.F.R. Part 115.15 (b), effective August 20, 2015 [or August 20, 2017 for a facility whose rated capacity does not exceed 50 confinees] the facility shall not permit cross-gender pat-down searches (a running of the hands over the clothed body of an confinee by an employee to determine whether the individual possesses contraband) of female confinees, absent exigent circumstances (must be documented in the blotter). The facility shall not restrict female confinee's access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

#### **355 SFS PREA Guide Sec 4 para D-2c pg 10**

(2) Viewing:

- (a) When using Closed Circuit Televisions (CCTV), all blind spots will be eliminated where staff or confinees may be isolated.
- (b) Maintain all CCTV digital recordings for a minimum of 30 days and maintain longer if the material is the subject of an investigation.
- (c) Ensure CCTV does not invade confinee privacy (i.e., do not place in cells, toilet, or shower areas) unless suicidal or violent behavior dictates otherwise. Keep CCTV monitors from public view. Ensure opposite gender staff cannot view monitors. Follow guidelines for cross gender viewing under PREA.

### **355 SFS Guide Sec 4 para D, 2e Pg 10**

#### (e) Key Implementation Considerations:

- o Cross-gender viewing of transgender confinees is also prohibited. The CF will need to consult with the Confinement Officer to make a case-by-case determination about which gender of staff would be appropriate to view a transgender confinee in a state of undress. In general, a transgender woman should not be viewed by male staff, and transgender man should not be viewed by female staff when they are not fully clothed.
- o If opposite-gender staff will be conducting rounds in housing units while confinees are asleep (such as male staff checking a female dorm), the opposite-gender staff member should announce that these rounds will occur prior to "lights out."
- o The policy requires regular verbal notification. A sign or notice in a confinee handbook or other written materials is not sufficient.
- o Opposite-gender staff must announce their presence to allow confinees sufficient time to adjust their clothing or cover their bodies.

### **355 SFS Guide Sec 4 para D, 3d Pg 11**

(d) Transgender/intersex searches/inspections, CFs staff will not search or physically examine a transgender or intersex confinee for the sole purpose of determining the confinee's genital status. If the confinee's genital status is unknown, it may be determined during conversations with the confinee, by reviewing medical records, or, if necessary, by learning the information as part of a broader medical examination conducted in private by a medical practitioner.

(e) Transgender/intersex searches/inspections, CFs staff will not search or physically examine a transgender or intersex confinee for the sole purpose of determining the confinee's genital status. If the confinee's genital status is unknown, it may be determined during conversations with the confinee, by reviewing medical records, or, if necessary, by learning the information as part of a broader medical examination conducted in private by a medical practitioner.

**Observations and Interviews:** Memo from TSgt. Torres indicating all confinement staff had completed a quarterly training in December 2017 that included "Cross gender/transgender/Intersex Searches" The auditor did review the training records of assigned staff on a closed computer system.

During the tour, the auditor did observe females entering the facility announce prior to entering the confinement area. Only male detainees were present. Detainees stated, during interviews and while touring, that females are announced when entering the facility. Staff state females entering the area are always announced. Further staff state they have never seen a cross gender pat search conducted and never heard of a cross gender strip search occurring. Staff indicate they would never search a person to determine that persons gender of sender status. Policy requires no cross-gender strip or body cavity searches and no cross gender pat searches are to be conducted except in emergent circumstances, which has not happened within the 12 months and beyond. They have not confined any female confinees. Announcements would be made if a female were detained or if female staff enter the area. Signs are posted informing detainees of the possibility of opposite gender persons entering the area and this is noted in the detainee handbook and brochure.

**Finding:** (compliant) The facility conducts no cross gender strip or pat searches. All confinement staff are trained in cross-gender pat searches. Confinées are all provided the opportunity to shower, perform bodily functions and dress in privacy. Opposite gender staff announce themselves when entering the confinement area. The facility has had no known trans-gender or inter-sex confinées.

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

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

### **115.16 (a)**

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?  Yes  No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)?  Yes  No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?  Yes  No

- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision?  Yes  No

#### 115.16 (b)

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

#### 115.16 (c)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does*

*not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

**Policy: 355 SFS Guide Sec 4 para E, 2a-2b Pg 12. The PREA Guidance template was provided to all Air Force Confinement Facilities by the agency via SMARTnet.**

E. Confinées with Limited English Proficiency or Disabilities [C.F.R. 115.16]

(2) Disabled Confinées

(a) Discrimination based on a confinee's disability limiting access to the PREA programs and services is prohibited. This includes any physical disabilities which could lead other confinees to believe a confinee would be vulnerable to sexual abuse or sexual harassment.

(b) Any necessary accommodation will be identified during intake and reviewed as necessary

**355 SFS Guide Sec 4 para E, 1a Pg 12**

E. Confinées with Limited English Proficiency or Disabilities [C.F.R. 115.16]

(1) Confinées with Limited English Proficiency

(a) Military recruits are required to process through Military Entrance Processing Stations (MEPS) which requires all military service components to be English proficient prior to acceptance of enlistment, commission, or appointment. (b) The confinement facility does not rely on confinee interpreters, readers, or other assistance

**Observations and Interviews:** This is a military base confinement facility for military detainees only. Military Entrance Processing Stations require all to be English proficient prior to enlistment, commission or appointment. Therefore, no LEP detainees will be housed at Davis-Monthan. Disabilities such as deaf or blind also are not members of the Davis-Monthan AFB population in general.

The auditor was concerned with disabilities (not LEP) that could be affected by this standard. Interviews with the PREA Coordinator, PREA Manager and Confinement Officer revealed that the policy outlines necessary accommodations will be made, on a case by case basis, for disabled confinees of any type. This has not happened within the last several years as all confinees thus far have not been identified as disabled in any way. Further the likelihood of this happening is minimal as all confinees are assigned Air Force personnel, most being required to be fit for full duty. Interviews with the Commanding Officer (warden) confirmed the above. Interviews with confinement staff and confinees indicate they have not seen LEP or disabled confinees.

**Finding:** (compliant)

Based on established policy and interviews with specialized staff, random staff and random confinees, the facility is found to be compliant with this standard. No LEP or disabled confinees were available for interview.

## **Standard 115.17: Hiring and promotion decisions**

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

**115.17 (a)**

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?  Yes  No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?  Yes  No
- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above?  Yes  No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?  Yes  No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?  Yes  No
- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above?  Yes  No

**115.17 (b)**

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

**115.17 (c)**

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check?  Yes  No
- Before hiring new employees, who may have contact with inmates, does the agency: consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?  Yes  No

**115.17 (d)**

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

#### 115.17 (e)

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

#### 115.17 (f)

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

#### 115.17 (g)

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

#### 115.17 (h)

- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)  Yes  No  NA

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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**Policy: 355 SFS PREA Guide Sec 4 para H,1 pg 14**

**H. Hiring and Promotion Practices [C.F.R. 115.17]**

(1) Military hiring and promotion practices are unique and unlike any other agency. Military recruits and military members cannot join or remain in the military with a record of engaging in sexual abuse in any form or fashion.

(2) All confinement staff will have a NCIC background check conducted, and at least every 5 years for current staff members. During the hiring interview questions related to previous sexual harassment/abuse will be asked. If anyone hired fails to disclose any related information will be removed and actions will be taking IAW UCMJ.

**Observations and Interviews:** During interviews the PREA manager and Confinement Officer supported the above policy statement. The facility does not normally use contract personnel in the confinement facility. Confinees are removed from the area if, and when, contractors enter the area. Any contractors would be under direct supervision of confinement staff if detainees were present. No contractors entered the confinement area while the auditor was present. Confinement NCOIC states background checks are completed and provided the auditor with examples. A disclosure form was also provided, signed by each confinement staff, asking newly assigned staff about any history of sexual misconduct, imposing a continuing affirmative duty to disclose misconduct and addresses material omissions regarding misconduct.

**Finding:** (compliant) Based on the above policy, supporting documentation viewed by the auditor and interviews of specific staff, the facility is in compliance with this standard.

**Standard 115.18: Upgrades to facilities and technologies**

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

**115.18 (a)**

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)  
 Yes  No  NA

**115.18 (b)**

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or

updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)

Yes  No  NA

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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#### Observations and Interviews:

During the tour, there was no evidence of recent substantial modifications of the facility or the electronic monitoring systems. In interviews with the Agency Head and PREA Coordinator, agency wide modifications and upgrades have been accomplished or are in process at other facilities. PREA compliance and the protection of confinees from sexual abuse are and will be a primary focus of these upgrades to include electronic monitoring.

**Finding:** (Compliant) The facility has not designed or acquired any new facility or planned any substantial expansion or modification of existing facilities or installed or upgraded electronic monitoring systems in recent history.

Based on the above information, the facility is compliant with this standard.

## RESPONSIVE PLANNING

### Standard 115.21: Evidence protocol and forensic medical examinations

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

### 115.21 (a)

- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  
 Yes  No  NA

### 115.21 (b)

- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  Yes  No  NA
- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)  Yes  No  NA

### 115.21 (c)

- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?  Yes  No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?  Yes  No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?  Yes  No
- Has the agency documented its efforts to provide SAFEs or SANEs?  Yes  No

### 115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?  Yes  No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member?  Yes  No

- Has the agency documented its efforts to secure services from rape crisis centers?  
 Yes  No

#### 115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?  Yes  No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?  Yes  No

#### 115.21 (f)

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

#### 115.21 (g)

- Auditor is not required to audit this provision.

#### 115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? [N/A if agency attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.]  Yes  No  NA

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

**Policy: F. Investigation of Incidents [C.F.R. 115.21(a)(b)(c)(f) and(h) , 115.22, 115.71, 115.72, 115.73]**

(1) The CF ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to AFOSI.

**355 SFS PREA Guide Sec 5 para B, 1 pg 17.**

B. Coordinated Response to Report of an Incident [C.F.R. 115.65, AFI 31-105 para 1.3.13.]

(1) As a general guide to ensuring that the victim receives the best possible care and that investigators have the best chance of identifying and charging the perpetrator, the CF shall coordinate with the Air Force Office of Special Investigations (AFOSI), medical health staff, victim advocates, and a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE) for the following actions:

- (a) Assessing the victim's acute medical needs
- (b) Explaining the need for a forensic medical exam and offering the victim the option of undergoing one
- (c) Offering the presence of a victim advocate or a qualified staff member during the exam
- (d) Providing crisis intervention counseling
- (e) Interviewing the victim and any witnesses
- (f) Collecting evidence
- (g) Providing for any special needs the victim may have

**355 SFS PREA Guide Sec 5 para D, 1-6 pg 18.**

D. Medical and Mental Health Services

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

(2) Confinée victims of sexual abuse while incarcerated are offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

(3) Treatment services are provided to the victim—without financial cost to the victim—and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

(4) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in other facilities.

(5) Confinée victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests, as medically necessary.

(6) If pregnancy results from the conduct described in this section, victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care and access to pregnancy termination services, where available.

**355 SFS PREA Guide Sec 5 para E, 1 pg 19.**

E. Support Services for Victims of Sexual Abuse [C.F.R. 115.21(d) (e) and (h), AFI 31-105, para 2.5.1.1.1.]

(1) Victim Advocate:

(a) Following sexual crime protocol, the investigating agency provides confine with access as appropriate to a forensic medical examination preformed, where possible, by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE), as part of evidence gathering. If SAFE or SANE examinations are not possible, then document the effort and obtain other qualified medical practitioner(s) for evidence gathering.

**PREA Guide Sec 5 para B, 1C pg 18.**

The SAPR office is the primary point of contact for all victims of sexual abuse involving Air Force personnel. For immediate victim care please call the 24-Hour Phone- 520-940-8059

**Observations and Interviews:**

The facility has had no reported cases in the last 12 months and beyond.

The OSI Investigator was interviewed was very knowledgeable of sexual assault investigative techniques and protocols which is provided in the specialized training all OSI investigators are required to complete. As this standard addresses usable physical evidence collection, OSI actions would meet the standard. OSI may refer the case back for administrative investigation, but only after the physical evidence had been collected. Only potential sexual harassment cases would be referred back to the squadron.

In an interview with the SAPRO representative, SAPRO does have an MOU with the Tucson Medical Center Through SACASA for SANE/SAFE. SAPRO also provides victim advocacy, mental health referrals, counselling for victims, emotional support, crisis intervention, etc...

In a phone interview with a TMC SANE/SAFE, she confirmed TMC does do exams for AFB personnel which would include confinees should the need arise. She also indicated TMC has a SAN/SAFE on call at all times.

**Finding:** (compliant)

Policy and interviews indicate the agency does use a universal evidence protocol, but only for OSI investigations which is a separate outside agency not subject to this audit finding. Collection of usable physical evidence would be accomplished prior to a case being referred to an administrative investigation.

No youthful detainees have been housed at Davis Monthan AFB confinement facility.

The SAPR office is the primary point of contact for all sexual abuse incidents involving Air Force personnel. Staff from this office are available to respond 24 hours a day, 7 days a week. These staff provide SAFE/SANE through an MOU with a local hospital and victim advocate services. Interviews with SAPRO staff confirmed this.

During the interview with the PREA Compliance Manager, the auditor confirmed victim advocate services would be provided by the SAPR office; which is located on the military base and is under the organizational branch of the Department of Defense. No MOU is required as the SAPRO is available to

all military personnel, including detainees. SAPRO does have an MOU with a local hospital to perform SAFE/SANE. Additionally, The Air Force has available victim advocates through the “Special Victim Counsel” associated with the Area Defense Counsel as well as the DoD Safeline program.

## Standard 115.22: Policies to ensure referrals of allegations for investigations

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

#### 115.22 (a)

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

#### 115.22 (b)

- Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?  Yes  No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?  Yes  No
- Does the agency document all such referrals?  Yes  No

#### 115.22 (c)

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

#### 115.22 (d)

- Auditor is not required to audit this provision.

#### 115.22 (e)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

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

### Instructions for Overall Compliance Determination Narrative

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

**Policy: AFI 1.3.12.2.** The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to the Air Force Office of Special Investigation (AFOSI). The AFOSI determines if the case falls under the current Air Force purview for investigation. If the AFOSI declines, then the Security Forces Investigation (SFI) staff works the case(s). Should the DFC become aware of sexual abuse or sexual harassment at another confinement facility they follow notification procedures listed in paragraph 2.6.2.16.

### **355 SFS PREA Guide Sec 5 para F pg 22**

F. Investigation of Incidents [C.F.R. 115.21(a)(b)(c)(f) and(h) , 115.22, 115.71, 115.72, 115.73]

- (1) The CF ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to AFOSI.
- (2) Sexual assault or sexual harassment allegations are referred for criminal investigation to AFOSI or another criminal investigative agency as AFOSI determines and are not considered administrative investigations. The facility requests relevant information from AFOSI in order to inform the confinee of the investigation outcome.
- (3) If a staff member is the accused, (unless the allegation is unfounded) the facility informs the accuser when; the staff member is no longer posted in the confinement facility and/or a charge is made against the staff member relative to this sexual abuse allegation and documents all notifications in the CTF.
- (4) If another confinee is the accused, the facility informs the accuser when the accused has been charged and results of the trial relative to this sexual abuse allegation. The facility's obligation to report this information under PREA terminates if the accused is transferred/released from the facility.

### **Observations and Interviews:**

Interviews with the PREA Coordinator, Confinement Officer and PREA Manager indicate all cases are referred to the AFOSI. OSI determines the appropriate investigative unit. If OSI determines the case is to be referred for administrative investigation, it is referred to the unit commander who will assign the appropriate SFS investigations investigator, but these cases would not involve potential criminal behavior.

Policy requires all cases are to be investigated, although the facility has had no cases.

All cases are referred to the AFOSI who does have the legal authority to investigate criminal cases. Public notice of responsible investigative unit is available on the website <http://www.af.mil/SAPR/SAPR> and describes the process.

**Findings:** (compliant) Based on established policy that all cases are referred to the Office of Special Investigation and interviews with identified staff, the facility is compliant with this standard.

## TRAINING AND EDUCATION

### Standard 115.31: Employee training

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

#### 115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?  Yes  No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment  Yes  No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?  Yes  No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?  Yes  No

- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?  
 Yes  No

#### 115.31 (b)

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

#### 115.31 (c)

- Have all current employees who may have contact with inmates received such training?  
 Yes  No
- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?  Yes  No
- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?  Yes  No

#### 115.31 (d)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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**Policy: 355 SFS PREA Guide Sec 6 para A, 3, pg 24.**

(3) Training shall be tailored to both gender of the confinees as most AF level I facilities are capable of housing either male or female confinees.

(4) All current employees are to receive this training and the Confinement NCOIC ensures refresher training is completed every two years to ensure that all staff know the agency's current sexual abuse and sexual harassment policies and procedures.

**Other documentation:** AF Level One Corrections PREA training slide presentation was provided to the auditor. The presentation covers all elements of 115.31(a). Auditor reviewed forms entitled "PREA Staff Training Acknowledgement and Receipt". All forms reviewed were completed within the last 12 months. Most confinement staff are not assigned for more than 2 years.

**Observations and Interviews:** Interviews with staff indicate all have received the above training and were knowledgeable of the elements as noted in the standard. In interviews with the PREA Manager and Confinement Officer, no staff have transferred from other confinement facilities to Davis Monthan. Policy states training will be tailored to both male and female detainees although no females have been housed at the facility.

All of the eight confinement staff have completed the above listed training and the auditor reviewed all eight training acknowledgment forms.

Interviews with the PREA Manager and NCOIC of confinement indicate all relevant PREA updates to training and education is provided by Air Force Center and PREA Coordinator. This info is provided to all confinement staff via the Manager and NCOIC.

**Findings:** (compliant)

Based on the above policy and interviews, the facility is compliant with this standard.

## Standard 115.32: Volunteer and contractor training

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

### 115.32 (a)

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

### 115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?  Yes  No

### 115.32 (c)

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

## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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**Policy:** No policy is applicable as the facility does not use contractors or volunteers within the confinement facility.

**Observations and Interviews:** Interviews with PREA Manager and confinement staff confirm no contractors or volunteers have been within the confines of the facility when confinees are present. Medical and mental health is provided off site and not subject to the standard as the confinees are under direct observation by confinement staff when transported for appointments or treatment. Should contractors need to enter the confinement area, all confinees are removed while the contractors are present.

**Finding:** (compliant)  
The facility is compliant with this standard.

## Standard 115.33: Inmate education

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

#### 115.33 (a)

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

#### 115.33 (b)

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

#### 115.33 (c)

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

#### 115.33 (d)

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

#### 115.33 (e)

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

#### 115.33 (f)

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

## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

### **Policy: 355 SFS PREA Guide sec 6 para B1 pg 24**

(1) During the intake process, confinees receive information explaining the facility's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

(2) Within 72 hours of intake, the unit provides comprehensive education to confinees either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and the CF's policies and procedures for responding to such incidents

(3) Current confinees are to receive education upon transfer from a different facility to the extent that the policies and procedures of the confinee's new facility differ from those of the previous facility.

(4) The CF documents and tracks the training through signature on the PREA Confinee Training Acknowledgement and Receipt document located on the SF SMARTnet under the Correction & Confinement PREA tab.

(5) In addition to providing such education, the CF ensures that key information is continuously and readily available or visible to confinees through posters, confinee handbooks, or other written formats.

### **355 SFS PREA Guide sec 6 para B4 pg 25.**

Confinees watch the PREA training video PREA: What You Need to Know (16-minute education video) within 72 hours of intake and complete the Confinee Acknowledgement letter. Completed letters can be found in their CTFs.

**Other documentation:** Auditor reviewed the education document to include a PREA education video all detainees are required to view. Auditor also reviewed the "Confinee Acknowledgement Form" signed by all confinees.

**Observations and Interviews:** Interviews with intake staff and the PREA Manager indicate the above policy is adhered to well. All confinees receive information on zero tolerance policies and how to report incidents. Comprehensive education is completed the same day or within 72 hours. There are no confinees who have been here for more than 180 days and none have been transferred from or to another facility. There have been no LEP confinees or otherwise disabled confinees requiring a format other than standard orientation. This would be accomplished on a case by case basis using third party

interpreters. Interviews with confinees indicate they have received education and do have materials available, at all times, in brochures and handbooks and the confinees showed the auditor the posters on the wall. Confinees also described the comprehensive education regarding their rights to be free from sexual abuse and harassment and retaliation for reporting. All confinees stated they received this education within the first 24 to 48 hours or intake.

**Findings:** (compliant)

Based on the information listed above, the confinees' knowledge of PREA, the video and other training provided and the availability of other information in rule books and brochures, the timeliness of comprehensive education, etc..., the facility meets this standard.

## Standard 115.34: Specialized training: Investigations

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

#### 115.34 (a)

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

#### 115.34 (b)

- Does this specialized training include techniques for interviewing sexual abuse victims? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA
- Does this specialized training include proper use of Miranda and Garrity warnings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA
- Does this specialized training include sexual abuse evidence collection in confinement settings? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA
- Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  Yes  No  NA

#### 115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? [N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).]  
 Yes  No  NA

#### 115.34 (d)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

#### **Policy: 355 SFS PREA Guide Sec 6 para B, 5a, pg 24**

Refer to AFSOI 520-228-5168.

- (a) The Air Force Office of Special Investigations (AFOSI) is designated as the investigative agency for sexual assault or sexual harassment allegations in the Air Force and the CF is not required to maintain documentation of their specialized training.

#### **Other Documentation:**

##### **U.S. Air Force Fact Sheet**

**AIR FORCE SPECIAL INVESTIGATIONS ACADEMY** which provided an extensive summary of the training required of OSI personnel, including sex crimes.

#### **Interviews:**

AFOSI Special Agent Mike Koellner was interviewed to confirm training and knowledge although not required as OSI is an outside agency. Agent Koellner is a sex crime investigator and was very informative and provided a verbal narrative of his training in sexually based crimes. He was knowledgeable on interviewing victims, proper use of Miranda and Garrity and UCMJ standards, evidence collection and the level of evidence needed for both administrative findings and criminal prosecution referral.

**Finding:** (compliant) The facility is compliant with standard as an outside agency investigate all sexual abuse reports. Interviews with the outside agency indicate they receive appropriate sexual abuse investigations training.

## Standard 115.35: Specialized training: Medical and mental health care

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

### 115.35 (a)

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment?  Yes  No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse?  Yes  No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment?  Yes  No
- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment?  Yes  No

### 115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams.)  Yes  No  NA

### 115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere?  Yes  No

### 115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31?  Yes  No
- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32?  Yes  No

### Auditor Overall Compliance Determination

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

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

**Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

**Policy: 355 SFS PREA Guide sec 6 para A5b pg 24**

(a) Air Force Level I facilities do not have full or part-time medical and mental health care practitioners who work regularly in its facilities and are exempt from completing specialized training requirements for PREA. These services are conducted by the local military treatment facility or local medical facilities.

**Finding:** (compliant)

Air Force Level I facilities do not have full or part-time medical and mental health care practitioners who work regularly in its facilities and are exempt from completing specialized training requirements for PREA as defined in PREA Resource Center FAQs. All medical and mental health is referred to the local military medical facilities. Forensic exams are completed at the local hospital, Tucson Medical Center, as defined in an MOU with SAPRO.

**SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

**Standard 115.41: Screening for risk of victimization and abusiveness**

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

**115.41 (a)**

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

**115.41 (b)**

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

**115.41 (c)**

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

**115.41 (d)**

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?  
 Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?  
 Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?  Yes  No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?  Yes  No

#### 115.41 (e)

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

#### 115.41 (f)

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

#### 115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a: Referral?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to a: Request?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to a: Incident of sexual abuse?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?  Yes  No

#### 115.41 (h)

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

#### 115.41 (i)

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

## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

### **Policy: 355 SFS PREA Guide sec 4 para F pg 12.**

#### F. Screening of Confinees [C.F.R. 115.41, AFI 31-105 para 3.1.3.1.]

##### (1) Screening for Risk of Victimization and Abusiveness

- (a) Within 72-hours of in-processing, screen the confinee using the "Risk Survey for Confinnee Victimization and Abusiveness" which is located on the secure SF SMARTnet under the Air Force Confinement and Corrections Directorate tab. This survey is meant to assist in determining potential risk "to become" a victim or "to become" an abuser. Screen (personally ask) the confinee using the questionnaire located on the website (Accessing the questionnaire each time from the website ensures PREA screening questions are current with legal requirements). Take no disciplinary action for failure to cooperate with the assessment, specifically questions involving; sexual orientation, self-identified gender, previous sexual victim, or their perception of vulnerability. When necessary for staff assessment, obtain other screening answers by researching personnel records and/or criminal records, and by mere observation (e.g., size, body build, etc.).
- (b) If the staff determines the confinee has, 1) experienced prior sexual victimization in a previous confinement facility, or in an institution or in the community or, 2) has previously perpetrated sexual abuse in a previous confinement facility, or in an institution or in the community then offer to schedule a follow up meeting (to occur within 14 days of the initial screening) with a medical or mental health practitioner. Place the screening document and note the acceptance/declination of the offer in the Correctional Treatment File (CTF). Subsequently, include in the CTF the medical or mental health practitioner recommendations relative to treatment plans, management decisions for housing, and work outlets programs.
- (c) If sexual victimization in the community was not self-identified in the at-risk screening but, discovered by the medical or mental health practitioner, they must seek informed consent from the confinee, if over 18 years of age, for the release of that information to the confinement staff.
- (d) When the staff believes the confinee has adjusted to placement in a confined setting, using the same questions and methods, conduct the screening again however, do not exceed 30 days

from in-processing. Reassess as necessary, when additional information is received or an abusive or victimization situation occurs or is believed possible. Place the screening document in the CTF.

- (e) The goal is to make decisions to keep potential victims from potential abusers. The Confinement NCOIC makes individual determinations on the best manner to ensure safety for those at risk concerning housing, work outlets, etc. Conversely, do not use this information to separate groups of individuals (where no risk of harm or abuse exists) based solely on sexual orientation or self-identified gender unless under a legal order.

### **355 SFS PREA Guide Sec 4, para D, 1a pg 9**

#### D. Transgender Intake, Cross Gender Viewing and Searches [C.F.R. 115.41 and 115.42]

##### (1) Transgender/Intersex Intake:

a. Transgender/intersex housing and programming assignments decisions are made on a case-by-case basis and coordinated with the Confinement Officer and the AFSFC.

**Other Documents:** “Risk Survey for Confinee Victimization and Abusiveness” which is used for the initial and the 30 day follow up assessment. Auditor determined the form is an objective screening tool using a numerical rating system for victimization risk and risk of abusiveness. Elements of standard 115.41, 1 through 9 are covered on the form. Element 10 is not applicable as Davis-Monthan AFB does not house detainees solely for civil immigration purposes. The survey does include consideration for prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse.

**Observations and Interviews:** Intake staff state all confinees are assessed, at the time of arrival during intake, using the “Risk Survey for Confinee Victimization and Abusiveness”. Intake staff are the staff responsible for risk assessment. Staff indicate the initial survey is completed the day of arrival or, at the latest, the next day. A re-assessment would be completed when warranted due to a referral, request, incident of sexual abuse or receipt of additional or new information. When questioned, staff stated confinees are not disciplined for refusing to answer or for not disclosing complete information. All staff stated the only persons having access to the detainee file, where the assessments are kept are the confinement staff, most of whom do the risk assessments.

**Corrective Action: Standard requires--Within a set time period not more than 30 days from the inmate’s arrival at the facility, does the facility reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. The facility recognized they had misinterpreted the wording of the standard and were not in compliance at the time of the on-site visit.**

**ACTION TAKEN: The NCOIC and PREA Compliance Manager immediately corrected this by completing the documentation immediately, then forwarded each respective re-assessment to the auditor since the onsite visit. As the facility only had two confinees needing re-assessment and may or may not have any more in the next few weeks, the auditor has determined the facility to be compliant on this element based on their prompt corrective action, follow up prior to interim/final report completion, and their acknowledgment/self-correction of misinterpretation.**

**Finding:** (compliant)

The facility is compliant with this standard based on the above documentation, interviews and corrective action taken.

## Standard 115.42: Use of screening information

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

#### 115.42 (a)

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

#### 115.42 (b)

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

#### 115.42 (c)

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

- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?  
 Yes  No

#### 115.42 (d)

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

#### 115.42 (e)

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

#### 115.42 (f)

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

#### 115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status?  Yes  No
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status?  Yes  No
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status?  Yes  No

#### Auditor Overall Compliance Determination

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

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

### Instructions for Overall Compliance Determination Narrative

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

#### **Policy: 355 SFS PREA Guide sec 5 para F, 1b**

If the staff determines the confinee has, 1) experienced prior sexual victimization in a previous confinement facility, or in an institution or in the community or, 2) has previously perpetrated sexual abuse in a previous confinement facility, or in an institution or in the community then offer to schedule a follow up meeting (to occur within 14 days of the initial screening) with a medical or mental health practitioner. Place the screening document and note the acceptance/declination of the offer in the Correctional Treatment File (CTF). Subsequently, include in the CTF the medical or mental health practitioner recommendations relative to treatment plans, management decisions for housing, and work outlets programs.

#### **355 SFS PREA Guide sec 5 para F, 1d pg 13.**

- (e) The goal is to make decisions to keep potential victims from potential abusers. The Confinement NCOIC makes individual determinations on the best manner to ensure safety for those at risk concerning housing, work outlets, etc. Conversely, do not use this information to separate groups of individuals (where no risk of harm or abuse exists) based solely on sexual orientation or self-identified gender unless under a legal order.

#### **355 SFS PREA Guide Sec 4, para D, 1a pg 9**

D. Transgender Intake, Cross Gender Viewing and Searches [C.F.R. 115.41 and 115.42]

(1) Transgender/Intersex Intake:

- a. Transgender/intersex housing and programming assignments decisions are made on a case-by-case basis and coordinated with the Confinement Officer and the AFSFC.

**Observations and Interviews:** In interviews with staff responsible for risk assessments, which is normally the NCOIC of confinement, all assignments to housing or beds is based on safety for the confinee. All recommendations for placement is reviewed by the NCOIC and the Confinement Officer. PREA Manager, NCOIC of confinement and Confinement Officer all stated that each detainee's safety is determined on a case by case basis. The risk survey is one tool in that process. Although the facility as had no identified LGBTI confinees, each of those would be placed in appropriate housing and programs on a case by case basis and would include the confinee's own views of their own safety. The PREA Manager stated transgender or intersex confinees would be re-assessed at least every six months if the facility housed any or if they were assigned for six months or more, which has never happened. The PREA Manager and Confinement Officer states the facility is not under any form of

consent decree, legal settlement or legal judgement and would not house LGBTI separate from other confinees unless it was determined there was no other way of ensuring the confinee's safety. During the tour the auditor determined transgender/intersex confinees would have the opportunity to shower separately from other confinees as the showers are individual showers with privacy curtains and all confinees must leave the hygiene area when any other confinee is in the shower or using the toilet.

There were no LGBTI confinees present to interview.

**Finding:** (compliant) The facility is compliant with this standard based on the above information. The facility has not housed any identified LGBTI confinees within the last 12 months and beyond.

## Standard 115.43: Protective Custody

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

#### 115.43 (a)

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

#### 115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?  Yes  No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?  Yes  No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?  Yes  No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?  Yes  No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited?  Yes  No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation?  Yes  No

- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations?  Yes  No

#### 115.43 (c)

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

#### 115.43 (d)

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

#### 115.43 (e)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

#### Policy: 355 SFS PREA Guide Sec 5, para G, 3a pg 14

(3) Protective Custody [C.F.R. 115.43, AFI 31-105 para 5.5.5.]

(a) Confinées at high risk for sexual victimization are not placed in involuntary segregated housing unless the CF has assessed all available alternatives and has determined that there is no available alternative means of separation from likely abusers.

**355 SFS PREA Guide Sec 5, para G, 3e pg 14**

(e) Every 30 days, the facility affords each confinee a review to determine whether there is a continuing need for separation from the general population.

**Observations and Interviews:** The facility has policy prohibiting the involuntary placement of confinees in segregated housing unless no alternative is available. All confinees are initially placed in segregated cells for 72 hours upon arrival to the facility for assessment, orientation, detox, etc... In interviewing staff who supervise segregation and the PREA Manager, the facility has not housed a confinee in involuntary segregation due to high risk of sexual victimization or abusiveness. If they had, policy dictates programs, education, privileges, etc.. available to other confinees would not be restricted in any way. All confinees placed in segregated cells are reviewed at least weekly to determine if continued placement is necessary.

**Finding:** (compliant)

Based on the interviews and policy as written, the facility is compliant with this standard. The facility has not had any confinees held in involuntary segregation due to being at high risk of sexual victimization or abusiveness.

## REPORTING

### Standard 115.51: Inmate reporting

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

#### 115.51 (a)

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

### 115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?  Yes  No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?  Yes  No
- Does that private entity or office allow the inmate to remain anonymous upon request?  Yes  No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security?  Yes  No

### 115.51 (c)

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

### 115.51 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

**Policy: DMAFB Confinement Inmate Rule Book Sec 4, para 4.5. pg 10.**

4.5. Reporting Sexual abuse/sexual assault/sexual harassment.

- This confinement facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers of local, State, or national victim advocacy or rape crisis organizations. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible. (DoD Hotline# 1-877- 995-5247)
- Confinees may use privileged communication mail/telephone. They also may use personal communication with legal, pastoral or medical staff. Confinees may also use DD Form 510 request for interview with confinement OI/NCOIC for third party reporting.
- Grievance reporting. Confinees may verbally or anonymously make a written grievance report.
- Confinees may also report sexual abuse/harassment/grievance anonymously by using the PREA reporting box located in confinee dayroom. The PREA Manager is the only one who has access to the comment box, and will check it weekly.

**355 SFS PREA Guide Sec 5, para A, 1a-2g pg 15. DMAFB Confinement Inmate Rule Book Sec 4, para 4.5. pg 10.**

(b) The CF also provides at least one way for confinees to report abuse, harassment, retaliation, and staff neglect to a public or private entity that is not part of the agency and that is able to receive and immediately forward confinee reports of sexual abuse and sexual harassment to agency officials, allowing the confinee to remain anonymous upon request. Confinees may report concerns by:

- Utilizing confinee phone to contact DoD Safe Helpline, Chaplin, Mental Health, Davis-Monthan Sexual Assault Response Office, or Area Defense Counsel, PREA reporting box located in inmate dayroom.

(c) Staff accepts reports made verbally, in writing, and anonymously. Staff promptly documents any verbal reports.

**355 SFS PREA Guide Sec 5 para A, 4b, pg 17**

(b) Staff shall accept reports made verbally, in writing, and anonymously from third parties and promptly documents any verbal reports.

**Other documentation:** Auditor reviewed the detainee PREA brochure and the detainee handbook, both of which contain the appropriate reporting methods.

The confinement rule book given to all detainees during initial orientation states, in part:

**13.5. Confiner Reporting.**

**13.5.1. Restricted Reporting.** To privately report sexual abuse and sexual harassment, retaliation by other inmate or staff for reporting sexual abuse or sexual harassment, and staff neglect that may have contributed to such incidents. Inmates may report concerns by:

**13.5.1.1.** If a Confiner would like to report sexual abuse and sexual harassment they may request via DD Form 510 or contact the Confinement staff to talk to their installation SAPRO, the DoD Safe Helpline (1-877-995-5247), installation Chaplain and etc.

**13.5.1.2.** There are report forms located inside the confinement facility and inside the visitation room. Fill out a report and drop it into one of the two drop boxes located in the Confinement Facility or the visitation room. The PREA Compliance manager is the only one that has access to the drop boxes.

**13.5.2. Unrestricted Reporting.** To report abuse, harassment, retaliation, and staff neglect to a public or private entity that is not part of the agency and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates may report concerns by:

**13.5.2.1.** If a Confinee would like to report abuse to an outside agency they may request to do so via DD Form 510 or contact the Confinement Staff to talk to their installation SAPRO, the DoD Safe Helpline (1-877-995-5247), installation Chaplain and ADC. Inmates may use the phone located inside the visitation room to consult with outside agencies in private.

**Observations and Interviews:**

Auditor viewed posters indicating a phone number for the DoD Safe Helpline. The confinee PREA Brochure lists the other above listed phone numbers. There are “third party” reporting forms in distribution boxes in the confinement area and in the phone room area. Copies of the PREA brochure were also in this room. PREA drop boxes are located in both areas.

In interviews with confinees, they were aware of the brochure and the PREA drop box with reporting forms on the wall with the drop boxes in the confinement area and in the privately used phone room. Confinees indicated they could report privately using the phone numbers or the drop boxes and knew they could do so anonymously.

In interviews with staff including the PREA Manager, the above numbers are for all military personnel, including the confinees. Confinement staff can privately report using the same phone numbers listed above. Staff stated that third party reports would be treated the same as any report and all reports would be documented immediately with verbal notification to the NCOIC of confinement or higher authority if necessary.

**Finding:** (compliant)

Based on the above information, the facility is compliant with the elements of this standard. Further confinee education and staff training is recommended on third party reporting to a relative, friend, etc...

**Standard 115.52: Exhaustion of administrative remedies**

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

**115.52 (a)**

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of

explicit policy, the agency does not have an administrative remedies process to address sexual abuse.  Yes  No  NA

#### 115.52 (b)

- Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.52 (c)

- Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)  Yes  No  NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)  Yes  No  NA
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA

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

#### 115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)  Yes  No  NA
- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)  Yes  No  NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.52 (g)

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

#### Auditor Overall Compliance Determination

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

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

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

### **Instructions for Overall Compliance Determination Narrative**

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

#### **Policy: 355 SFS PREA Guide Sec 5, para A, 2 pg 16**

(2) Confinee Grievances [C.F.R. 115.52, AFI 31-105 para 2.5.1.1., 2.5.1.2.2.]

(a) The CF shall not impose a time limit on when a confinee may submit a grievance regarding an allegation of sexual abuse.

(b) The CF shall not require a confinee to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

(c) The CF ensures that a confinee who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint.

(d) IAW 28 CFR Part 115.52 (d)(1), the CF issues a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period does not include time consumed by confinees in preparing any administrative appeal.

(e) IAW 28 CFR Part 115.52 (d) (3), the CF may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The CF notifies the confinee in writing of any such extension and provide a date by which a decision shall be made.

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

(g) Through a Discipline and Adjustments Board, the DFC may discipline the petitioner for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the confinee filed the grievance in bad faith.

#### **355 SFS PREA Guide Sec 5, para A, 4d pg 17**

(d) If a third party files such a request on behalf of a confinee, the CF facility may require as a condition of processing the request that the alleged victim agree to have the request filed on their behalf, and

may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the confinee declines to have the request processed on their behalf, the CF documents the confinee's decision.

**355 SFS PREA Guide Sec 4, para G1 pg 13**

G. Protection of Confinees Facing Substantial Risk [C.F.R. 115.62, AFI 31-105 para 2.6.2.16.]

(1) When the CF learns that a confinee is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the confinee by separating the victim and alleged abuser.

(2) After receiving an emergency grievance alleging a confinee is subject to a substantial risk of imminent sexual abuse, CF shall:

(a) Immediately forward the grievance (or any portion of it that alleges the substantial risk of imminent sexual abuse) to DFC, Confinement Officer, AFSFC PREA Coordinator, and the unit PREA Compliance Manager for review and immediate corrective action.

(b) The CF will provide an initial response within 48 hours to confinees who allege to be at substantial risk of imminent sexual abuse.

(c) The CF will issue a final decision within five (5) calendar days to confinee.

(d) The initial response and final decision needs to document determination of whether the confinee is at substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

**Observations and interviews:** The facility has had no grievances or emergency grievances filed in relation to sexual abuse, harassment or misconduct. Davis Monthan AFB provided DD Form 510, Prisoner Request. This form serves as a request for interview or communications as well as a formal grievance form with a check box specifically for "GRIEVANCE".

Finding: (compliant)

Policy is in place to address each element of the standard should this occur.

**Standard 115.53: Inmate access to outside confidential support services**

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

**115.53 (a)**

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?  Yes  No

- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies?  Yes  No
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?  Yes  No

### 115.53 (b)

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

### 115.53 (c)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

#### **Policy:** AFI 31-105

2.5.1.2. Grievance reporting by confinees. Ensure the Facilities Rules Book instructs confinees how to report grievances. Confinees may tell a staff member verbally or signed or anonymously in writing. (The staff member receiving a grievance from a confinee is independently responsible to report it to the proper office for review/investigation with all sexual abuse and sexual harassment grievances being initially referred to AFOSI.) Confinees may use their privileged communication (telephone/mail)

options as one method. They may also use in person communication with legal, pastoral or medical staff during scheduled appointments. However, to reduce delays and still maintain privacy, additional methods are necessary. Facilities will make available a direct dial only non-recorded/monitored phone (suggest placing in the day room). As a minimum link this phone to the installation SAPRO, the DoD Safe Helpline (1-877-995-5247), installation Chaplain, ADC and local time/weather recording. (Other direct lines can be added as locally deemed necessary.) The object is to provide discreet multiple authorized direct connections so that an observer cannot assume to whom the call is being placed. In cases of reporting sexual abuse or sexual harassment the response time is paramount.

**Other documentation:** SAPRO website and brochures, DoD Safeline brochure, Area Defense Counsel's "Special Victim Counsel" brochure.

**Observations and interviews:** The SAPR office is the primary point of contact for all victims of sexual abuse involving Air Force personnel to include confinees and confinement staff. In interviews with SAPRO staff victim services including an advocate is provided to any victim of sexual abuse. SAPRO phone numbers are available to confinees. Postings also showed an address for detainees to write to SAPRO for support. MOU is not required as the SAPRO provides services to all military personnel, including confinees. Personnel can report in two ways, one being restricted where all information is confidential for emotional support only and the other is unrestricted for reporting sexual abuse. Also available to all military personnel (including confinees) are Special Victim Counsel through the Area Defense Counsel and the DoD Safeline which is associated with Rape, Abuse & Incest National Network, (RAINN). All indicate in their websites and brochures (available in the confinement facility) they provide victim services and emotional support and are confidential.

**Finding:** (compliant) Due to the above observations, the facility is compliant.

## Standard 115.54: Third-party reporting

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

#### 115.54 (a)

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

### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

### **Policy: 355 SFS PREA Guide Sec 5, para A, 4 pg 17**

(4) Rules for Third Parties to Report Abuse and to Assist Confinées with Grievances [C.F.R. 115.51(c), 115.52 (e), and 115.54, AFI 31-105 para 2.5.1.2.1.]

(a) CF establishes a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a confinee.

(b) Staff shall accept reports made verbally, in writing, and anonymously from third parties and promptly documents any verbal reports.

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

(d) If a third party files such a request on behalf of a confinee, the CF facility may require as a condition of processing the request that the alleged victim agree to have the request filed on their behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the confinee declines to have the request processed on their behalf, the CF documents the confinee's decision.

**Observations and Interviews:** The above policy allows confinees to submit a third party reporting form that is retrieved by the PREA Manager regularly. The third party reporting forms are also available to visitors in the visiting room. A review of the website provided the below snap shot. Detainees knew they could use the "third party" reporting forms and could tell family and friends for a third party to report. SAPRO is also not connected directly with the confinement facility and confinees may report to SAPRO as a third party.

**Other documentation:** From the Air Force PREA Annual Reporting website: (a public accessible website)

### **Third Party Reporting For Air Force Confinement Facilities**

You may submit sexual abuse incident information in any of the following ways:

- EMAIL: [afsfcsfcv.1@us.af.mil](mailto:afsfcsfcv.1@us.af.mil)
- MAILING ADDRESS: Air Force Security Forces Center/FC (PREA Coordinator), 1517 Billy Mitchell Blvd, Bldg. 954, JBSA Lackland, TX 78236
- Department of Defense Safe Helpline **1-877-995-5247**
- Security Forces Center Operations Center **1-877-273-3098**

**(Please include as much information as possible such as: Name of Confinement Facility of incident, Name of victim(s), witnesses, perpetrators, date/time of incident, and any additional details.)**

**Finding:** (compliant) With the above information, the auditor determined the facility to be compliant with this standard.

## OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

### Standard 115.61: Staff and agency reporting duties

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

#### 115.61 (a)

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

#### 115.61 (b)

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

#### 115.61 (c)

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

#### 115.61 (d)

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

### 115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

**Policy: 355 SFS PREA Guide Sec 5, para A, 3a pg 16.**

355 SFS PREA Guide Sec 5, para A, 3b pg 17.

**(3) Staff Reporting Rules [C.F.R. Part 115.51(d) and §115.61, AFI 31-105 para 2.5.1.2.]**

- (a) Any staff member who has knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against confinees or staff who reported such an incident; and any staff neglect that may have contributed to such incident or retaliation, immediately reports such incident or retaliation using the chain of command.
  
- (b) Apart from reporting to designated supervisors or officials, staff cannot reveal any information related to a sexual abuse report to anyone except officials with the need to know.

**355 SFS PREA Guide Sec 5, para A, 3b pg 17.**

(b) Apart from reporting to designated supervisors or officials, staff cannot reveal any information related to a sexual abuse report to anyone except officials with the need to know.

**Observations and interviews:** Interviews with staff indicate they have all received training on requirements to report and all knew how to report. All indicated they would report to the NCOIC or confinement or PREA Manager. If needed they stated they could and would report directly to the Confinement Officer. All stated they knew they could only discuss with relevant staff such as confinement supervisors or the assigned investigator. All incidents are referred to AFOSI who determines who will investigate and refer appropriately. Davis Monthan AFB has no medical or mental health practitioners on site at the confinement facility.

**Finding:** (compliant)

Based on established policy, interviews with staff, including the PREA Manager and an OSI investigator, and observations made during the on-site visit the auditor determines the agency and facility meets the standard.

**Standard 115.62: Agency protection duties**

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

## 115.62 (a)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

#### **Policy: AFI 31-105, 1.3.12.2**

The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to the Air Force Office of Special Investigation (AFOSI). The AFOSI determines if the case falls under the current Air Force purview for investigation. If the AFOSI declines, then the Security Forces Investigation (SFI) staff works the case(s). Should the DFC become aware of sexual abuse or sexual harassment at another confinement facility they follow notification procedures listed in paragraph 2.6.2.16.

#### **355 SFS PREA Guide Sec 4, para G, 1 pg 13.**

#### **G. Protection of Confinees Facing Substantial Risk [C.F.R. 115.62, AFI 31-105 para 2.6.2.16.]**

- (1) When the CF learns that a confinee is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the confinee by separating the victim and alleged abuser.

**Observations and interviews:** Random staff interviews—all staff stated they would separate the potential victim and report to the NCOIC or PREA Manager. The PREA Manager and NCOIC both stated they would review the case and refer to OSI if warranted, move the potential victim or the reported potential perpetrator to ensure the two are not housed together or in any other way have contact. The Confinement Officer stated, the offender would be separated, and the report would be investigated. If warranted, one or both detainees would be moved to ensure separation. The facility has had no reports of detainees being at risk for imminent sexual assault.

**Findings:** (compliant)

The facility has good policy on this standard as noted above. Staff were knowledgeable on their responsibilities and how to ensure protection and reporting to higher authorities for follow up.

## Standard 115.63: Reporting to other confinement facilities

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

#### 115.63 (a)

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

#### 115.63 (b)

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

#### 115.63 (c)

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

#### 115.63 (d)

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

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Policy: 355 SFS PREA Guide Sec 5, para Ia pg 22.

**I. Notifying Other Confinement Agencies [C.F.R. 115.63, AFI 31-105 para 2.6.2.16.]**

(a) Upon the CF receiving an allegation that a confinee was sexually abused while confined at another facility, within 72-hours, the DFC will either, 1) notify the head of the other facility of the allegation or, 2) notify the appropriate investigating agency.

355 SFS PREA Guide Sec 5, para Ib pg 22.

(b) In either case, document the notification, as appropriate.) Instruct staff how to assist confinee(s) in gaining access to care and support services.

**Observations and interviews:** The facility has had no incidents of learning of an incident at another facility or being notified of an incident at this facility by another facility. The Confinement Officer, during the interview, was well aware of the requirements of this standard.

**Finding:** (compliant)

Based on the above information, the auditor determined the facility is compliant with this standard. There have been no report incidents of this nature, but policy covers it well and the Confinement Officer (warden) was well versed on the issue.

## Standard 115.64: Staff first responder duties

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

### 115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?  
 Yes  No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?  Yes  No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?  Yes  No
- Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any

actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?  Yes  No

#### 115.64 (b)

- If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

Policy: 355 SFS PREA Guide Sec 5, para C1 pg 18.

**C. Immediate Steps after Receiving Report [C.F.R. 115.64 and 115.82, AFI 31-105 para 8.10 and 5.7]**

(1) When a confinement staff first-responder learns that a confinee has been sexually abused, immediate action is taken to protect the confinee. The PREA Response Checklist located on the secure SF SMARTnet is initiated immediately. Non-confinement staff first-responders notify staff of sexual abuse allegations. The confinement staff first-responder actions include:

- (a) Separate the confinee from the alleged perpetrator.
- (b) Preserve and protect any crime scene until appropriate steps can be taken to collect evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim—and ensure that the alleged abuser—not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (d) Confinement staff first responders immediately notify AFOSI and the appropriate medical and mental health practitioners.

NOTE: The CF forwards a copy of the PREA Response Checklist promptly upon completion to the AFSFC PREA Coordinator at [afsfc.sfcv.1@us.af.mil](mailto:afsfc.sfcv.1@us.af.mil).

**Other documentation:**

355 SFS PREA Sexual Abuse Response Checklist

This checklist addresses all aspects of standard 115.64, duties of first responders. Along with the checklist is instructions for using the checklist. All completed checklists would be forwarded to the agency PREA Coordinator for review. Checklist is available on SF SMARTnet.

**Observations and interviews:** The above checklist is an excellent tool and the agency/facility should be commended for its development.

This facility has no had any reported incidents therefore has not had need to use the checklist.

Interviews with staff indicate they are knowledgeable of their duties as first responders. All were aware of; separate and isolate victim, reported perpetrator(s) and witnesses; protect the scene and evidence, controlling the victim and perpetrators actions to protect evidence and immediate notification to medical/mental health through confinement supervisors. All confinement staff are first responders due to the size of the facility and the size of the workforce. All first responders were aware of and would refer to the checklist.

There is always as security staff with the confinees if non-security staff are present.

**Finding:** (compliant)

With the combination of established policy, the checklist and staff knowledge of the subject, should an incident occur the facility has the tools to act accordingly.

## Standard 115.65: Coordinated response

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

### 115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

Policy: 355 SFS PREA Guide Sec 5, para B1 pg 17.

**B. Coordinated Response to Report of an Incident [C.F.R. 115.65, AFI 31-105 para 1.3.13.]**

- (1) As a general guide to ensuring that the victim receives the best possible care and that investigators have the best chance of identifying and charging the perpetrator, the CF shall coordinate with the Air Force Office of Special Investigations (AFOSI), medical health staff, victim advocates, and a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE) for the following actions:
  - (a) Assessing the victim's acute medical needs
  - (b) Explaining the need for a forensic medical exam and offering the victim the option of undergoing one
  - (c) Offering the presence of a victim advocate or a qualified staff member during the exam
  - (d) Providing crisis intervention counseling
  - (e) Interviewing the victim and any witnesses
  - (f) Collecting evidence
  - (g) Providing for any special needs the victim may have

**Other documentation:**

355 SFS PREA Sexual Abuse Response Checklist

This checklist is specific to the facility and identifies all elements of this standard.

**Observations and interviews:**

The policy and checklist provide for the direction and tools needed should an incident occur. An interview with the Confinement Officer indicates he has good knowledge of the issue and he discussed in detail the different offices and entities involved in the coordinated response to include medical, mental health, OSI, SANE/SAFE, SAPRO, victim advocates, etc....

**Finding:** (compliant)

The facility has good policy in place and an excellent coordinated response checklist. Again the tools are in place should an incident occur. SAPRO play a significant role in response to an incident.

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

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

**115.66 (a)**

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining

agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?  Yes  No

#### 115.66 (b)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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This is a military organization who does not enter into collective bargaining agreements.

### Standard 115.67: Agency protection against retaliation

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

#### 115.67 (a)

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

#### 115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with

victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?  Yes  No

#### 115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of residents or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?  Yes  No
- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?  Yes  No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?  Yes  No

#### 115.67 (d)

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

### 115.67 (e)

- If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?  
 Yes  No

### 115.67 (f)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

**Policy:** 355 SFS PREA Guide Section 5, para G1-3, pg 21

**G. Protection of Confinees from Retaliation [C.F.R. 115.67, AFI 31-105 para 2.6.2.16.]**

- (1) 355 SFS policy is to protect all confinees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other confinees or staff.
- (2) The CF employs multiple protection measures, such as housing changes or transfers for confinee victims or abusers, removal of alleged staff or confinee abusers from contact with victims, and emotional support services for confinees or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- (3) For at least 90 days following a report of sexual abuse, the PCM monitors the conduct and treatment of confinees or staff who reported sexual abuse, and of confinees who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by confinees or staff, and acts promptly to remedy any such retaliation. Monitoring may go beyond 90 days if needed. Monitoring includes:
  - (a) Periodic in-person conversations with confinees and/or staff
  - (b) Review of disciplinary incidents involving confinees
  - (c) Review of housing or program changes
  - (d) Review of negative performance reviews or reassignments of staff
  - (e) Periodic in-person conversations with confinees and/or staff
  - (f) Review of disciplinary incidents involving confinees
  - (g) Review of housing or program changes

**Observations and interviews:**

By policy, the PREA Compliance Manager (PCM) is designated as the staff charged with the monitoring of retaliation for the facility. In interviewing the PCM, MSgt. Germain was knowledgeable of the process although the facility has had no such cases. Confinement Officer (warden) stated, in the interview, if the facility does have a case occur, the agency and facility would take all precautions to ensure the safety of victims and those who report. The person accused of, or found to be, retaliating would be removed from the facility and face discipline if founded. Other possibilities are moving perpetrators, victims or witnesses to other facilities and emotional support services are always available with the Sexual Assault Prevention and Response Office (SAPRO). Conversations with a SAPRO representative confirm this. Also available to all military personnel, including confinees, are the Area Defense Counsel's "Special Victim Counsel" and the DoD Safeline program.

**Finding:** Based on the information provided that this facility has not had a case requiring retaliation monitoring, the policy in place should it occur, and the knowledge of the responsible parties should it occur, the agency and facility are compliant with this standard.

## Standard 115.68: Post-allegation protective custody

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

#### 115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

In referring to 115.43, the facility has policy prohibiting the involuntary placement of confinees in segregated housing unless no alternative is available. All confinees are initially placed in segregated cells for 72 hours upon arrival to the facility for assessment, orientation, detox, etc...

**Interviews:** In interviewing staff who supervise segregation and the PREA Manager, the facility has not housed a confinee in involuntary segregation for protective custody due to high risk of sexual victimization. If they had, policy dictates programs, education, privileges, etc.. available to other confinees would not be restricted in any way. All confinees placed in segregated cells are reviewed at least weekly to determine if continued placement is necessary.

**Finding:** (compliant) Based on the interviews and policy as written, the facility is compliant with this standard. The facility has not had a confinee held in involuntary segregation or protective custody due to being at high risk of sexual victimization.

## INVESTIGATIONS

### Standard 115.71: Criminal and administrative agency investigations

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

#### 115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).]  Yes  No  NA
- Does the agency conduct such investigations for all allegations, including third party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).]  Yes  No  NA

#### 115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?  Yes  No

#### 115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?  Yes  No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?  Yes  No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?  Yes  No

#### 115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?  Yes  No

#### 115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?  Yes  No
- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?  Yes  No

#### 115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?  Yes  No
- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?  Yes  No

#### 115.71 (g)

- Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?  Yes  No

#### 115.71 (h)

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?  Yes  No

#### 115.71 (i)

- Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?  Yes  No

#### 115.71 (j)

- Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?  Yes  No

#### 115.71 (k)

- Auditor is not required to audit this provision.

#### 115.71 (l)

- When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)  Yes  No  NA

#### Auditor Overall Compliance Determination

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

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

### Instructions for Overall Compliance Determination Narrative

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

**Policy:** 355 SFS PREA Guide Sec 5, para F pg 19-20

#### **F. Investigation of Incidents [C.F.R. 115.21(a)(b)(c)(f) and(h) , 115.22, 115.71, 115.72, 115.73]**

- (1) The CF ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to AFOSI.
- (2) Sexual assault or sexual harassment allegations are referred for criminal investigation to AFOSI or another criminal investigative agency as AFOSI determines and are not considered administrative investigations. The facility request relevant information from AFOSI in order to inform the confinee of the investigation outcome.

355 SFS PREA Guide Sec 7, para A3 pg 25

(3) All PREA collected data from all available incident-based documents, including reports, investigation files, response checklist, and sexual abuse incident reviews are promptly sent to the AFSFC PREA Coordinator. This data will be maintained at the unit level as long as the alleged abuser is incarcerated plus 5 years.

#### **Other Documentation:**

Memo from Mr. Sidney, Agency PREA Coordinator

#### **Observations and interviews:**

The facility has had no reported cases within the last 12 months and beyond. All incidents are reported to the AFOSI who determine the best jurisdiction for each case. OSI investigates all criminal and staff involved cases. AFOSI utilizes the evidence collection protocols outlined in AFI 71-124 Crime Scene Manual. Security Forces investigators assigned by the Commander would conduct administrative investigations after OSI declines investigation as not within their venue.

In an interview with an assigned OSI investigator, all reported cases are referred to the OSI who begin an immediate investigation. All investigators are trained in Miranda, Garrity and the Uniform Code of Military Justice (UCMJ) as well as proper techniques for interviewing victims, evidence collection, polygraph requirements, compelled interview requirements, level of evidence requirements for criminal and/or administrative cases, proper referral requirements for prosecution whether it be local law jurisdiction or UCMJ, assessing the credibility of victims, suspects and/or witnesses, proper written reports and other required documentation, etc... The investigator also stated any case having the appropriate level of evidence would be presented to the appropriate jurisdiction prosecutor for review and a case would remain active even if the reported perpetrator or victim left the facility or this base. The investigator stated the working relationship between the OSI and SFS is a good one and the OSI would keep the Confine Officer and NCOIC informed on any case.

In an interview with the Confinement Officer, there have been no cases reported and investigative reports of packets to look at. Should an incident occur, either he or the PREA Compliance Manager would be the point of contact for the investigation itself. The findings of a case would go to the SFS Commander. The CO indicated they have a good working relationship with OSI and the sharing of relevant information would not be an issue.

**Finding:** (compliant)

Based on the policy provided and the interviews conducted, the facility is compliant with this standard.

## Standard 115.72: Evidentiary standard for administrative investigations

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

#### 115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

**Policy:** See “Action Taken” below.

**Observations and Interviews:** Interviews with the PREA Compliance Manager, the Confinement Officer and the OSI investigator indicate the level of evidence for a determination of “substantiated” is the preponderance of the evidence.

**Finding:** (compliant)  
See “Action Taken” below.

**Corrective action:** The facility/agency needs to provide documentation supporting the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**ACTION TAKEN:** Davis-Monthan added the following to policy 355 SFS PREA Guidance F. Investigation of Incidents [C.F.R. 115.21(a)(b)(c)(f) and(h) , 115.22, 115.71, 115.72, 115.73] (1) The CF ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to AFOSI. CF does not impose a higher standard than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.  
Policy change was in place prior to any report being submitted.

## Standard 115.73: Reporting to inmates

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

#### 115.73 (a)

- Following an investigation into an inmate’s allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?  Yes  No

#### 115.73 (b)

- If the agency did not conduct the investigation into an inmate’s allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)  Yes  No  NA

#### 115.73 (c)

- Following an inmate’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate’s unit?  Yes  No
- Following an inmate’s allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the

resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?  Yes  No

- Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?  Yes  No
- Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?  Yes  No

#### 115.73 (d)

- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?  Yes  No
- Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?  Yes  No

#### 115.73 (e)

- Does the agency document all such notifications or attempted notifications?  Yes  No

#### 115.73 (f)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

**Policy:** 355 SFS PREA Guide Sec 5, para Eb pg 19

- (b) Ensure sexual abuse, rape crisis victim advocate and/or mental health care access options, as appropriate, are made readily available and that support protocols are followed. Sexual abuse victims are informed by the facility of the result of the investigation either; substantiated, unsubstantiated, or unfounded and document all notifications in the CTF.

355 SFS PREA Guide Sec 5, para F2 pg 20.

#### **F. Investigation of Incidents [C.F.R. 115.21(a)(b)(c)(f) and(h) , 115.22, 115.71, 115.72, 115.73]**

- (1) The CF ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The DFC reports all allegations of sexual abuse or sexual harassment associated with the confinement facility to AFOSI.
- (2) Sexual assault or sexual harassment allegations are referred for criminal investigation to AFOSI or another criminal investigative agency as AFOSI determines and are not considered administrative investigations. The facility request relevant information from AFOSI in order to inform the confinee of the investigation outcome.

355 SFS PREA Guide Sec 7, para A3 pg 25.

- (3) All PREA collected data from all available incident-based documents, including reports, investigation files, response checklist, and sexual abuse incident reviews are promptly sent to the AFSFC PREA Coordinator. This data will be maintained at the unit level as long as the alleged abuser is incarcerated plus 5 years.

355 SFS PREA Guide Sec 5, para F4 pg 20.

- (4) If another confinee is the accused, the facility informs the accuser when the accused has been charged and results of the trial relative to this sexual abuse allegation. The facility's obligation to report this information under PREA terminates if the accused is transferred/released from the facility.

**Observations and interviews:** The facility has had no cases to refer to and no detainees who had reported sexual abuse to interview. Should it occur, per policy, the facility would ask AFOSI to provide them with the information to inform the confinee. In rare cases OSI is not the investigative agency, the facility will notify to confinee of the status of the investigation.

Interviews with the investigator, the PREA Compliance Manager, Confinement Officer and the Confinement NCOIC indicate all are aware of the requirements of this standard and, if a case were to occur, they would follow the above policy and document all notifications. The Area Defense Counsel's "Special Victim Counsel" brochure also outlines a victim's rights on this issue and is available to all military personnel, including confinees.

**Finding:** (compliant)

Based on the policy and interviews conducted the facility is compliant with the standard.

## DISCIPLINE

### Standard 115.76: Disciplinary sanctions for staff

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

#### 115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?  Yes  No

#### 115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?  Yes  No

#### 115.76 (c)

- Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?  Yes  No

#### 115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)?  Yes  No

- Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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#### Policy:

Yes IAW 355th SFS PREA Guide Sec 5 para H pg 22

### H. Sanctions against Sexual Abusers When Allegations are Substantiated [C.F.R. 115.76, AFI 31-105 para 2.5.2]

#### (1) Disciplinary Sanctions for Staff

- (a) Staff are subject to disciplinary actions for violating Air Force sexual abuse or sexual harassment policies.
- (b) Disciplinary actions taken for any staff member are IAW Air Force policy, DoD policy, Military Law, the Uniform Code of Military Justice (UCMJ), and Federal Law.

**Observations and interviews:** A review of the UCMJ, article 120 indicates staff convicted of sexual abuse and/or sexual harassment violations could result in disciplinary action up to and including discharge from the military. Sanctions appear to be commensurate with the seriousness of the violation. These actions are universal for all Air Force personnel, including confinement staff. In interviewing staff, all were aware of Air Force policy, court martials, and UCMJ requirements.

#### **Finding:** (compliant)

Based on a review of policy and the UCMJ and the above-mentioned interviews, the facility and agency are compliant with this standard.

## Standard 115.77: Corrective action for contractors and volunteers

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

#### 115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?  Yes  No

#### 115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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**Observation and interviews:** N/A as this facility has no volunteers who have contact with confinees and no contractors who have contact with detainees. Confinees are removed from any location within the facility where contractors may need to perform work.

**Finding:** (compliant)

No volunteers or contractors have contact with detainees, therefore the facility is compliant with the standard as corrective actions for volunteers or contractors would not be needed.

## Standard 115.78: Disciplinary sanctions for inmates

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

### 115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?  Yes  No

### 115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?  Yes  No

### 115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?  Yes  No

### 115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?  Yes  No

### 115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?  Yes  No

### 115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?  Yes  No

### 115.78 (g)

- Does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)  
 Yes  No  NA

## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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**Policy:** 355 SFS PREA Guide Sec 5, para H2 pg 22.

### (2) Disciplinary Sanctions for Confinées [C.F.R. 115.78, AFI 31-105 para 9.1]

- (a) Confinées are subject to disciplinary actions pursuant to a formal disciplinary process following an administrative finding that the confinee engaged in confinee-on-confinee sexual abuse or following a criminal finding of guilt for confinee-on-confinee sexual abuse.
- (b) Disciplinary actions taken for any confinee are IAW Air Force policy, DoD policy, military law and the Uniform Code of Military Justice (UCMJ).

### U.S. Air Force AFI-105 2.3.2.9.1

"2.3.2.9.1. Confinées cannot consent to sexual acts/contact of any kind with staff members, nor can confinees consent to sexual acts/contact of any kind with another confinee.

### 355 SFS PREA Guide Sec 4, para F,1b pg 13

- (b) If the staff determines the confinee has, 1) experienced prior sexual victimization in a previous confinement facility, or in an institution or in the community or, 2) has previously perpetrated sexual abuse in a previous confinement facility, or in an institution or in the community then offer to schedule a follow up meeting (to occur within 14 days of the initial screening) with a medical or mental health practitioner. Place the screening document and note the acceptance/declination of the offer in the Correctional Treatment File (CTF). Subsequently, include in the CTF the medical or mental health practitioner recommendations relative to treatment plans, management decisions for housing, and work outlets programs.

355 SFS PREA Guide Sec 5, para G1 pg 21.

**G. Protection of Confinees from Retaliation [C.F.R. 115.67, AFI 31-105 para 2.6.2.16.]**

- (1) 355 SFS policy is to protect all confinees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other confinees or staff.

**355 SFS PREA Guide Sec 2, para A, 17 pg 4**

- (17) **“Consent”** Cooperation in act or attitude pursuant to an exercise of free will and with full understanding of the nature of the act. Confinées cannot consent to sexual contact with other confinees, staff members, volunteers or contractors.

**355 SFS PREA Guide Sec 2, para B, 2 pg 5**

- (2) Sexual abuse of a confinee by another confinee includes any of the following acts, if the victim does not consent (confinées can't consent), is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse:

**Observations and interviews:** A review of the UCMJ, article 120 indicates personnel convicted of sexual abuse and/or sexual harassment violations could result in disciplinary action up to and including discharge from the military. Sanctions appear to be commensurate with the seriousness of the violation. These actions are universal for all Air Force personnel, including confinees and confinement staff.

In interviewing staff, all were aware of AIR Force policy, court martials, and UCMJ requirements.

Interviews with the NCOIC and PREA Compliance Manger confirmed and consolidated the above information. Confinées are subject to disciplinary reviews and sanctions as detainees and/or as Air Force members. “Minor” infractions, not meeting the level of the UCMJ may result in sanctions from the Commander as listed in 9.1.2 above. More serious incidents will fall under UCMJ up to and including discharge from the military. Should an incident occur, and the abuser remains in the military (which is unlikely), he/she would be referred to SAPRO for identification/treatment of underlying causes. The agency/facility prohibits all sexual activity between detainees.

**Finding:** (compliant)

Based on the above policy and interviews, the facility/agency is compliant with the standard. All Air Force personnel are subject to the UCMJ and detainees are held accountable to rules of the confinement facility. There have been no reported incidents at this facility in the last 12 months.

## MEDICAL AND MENTAL CARE

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

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

#### 115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?  Yes  No

#### 115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)  Yes  No  NA

#### 115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening?  Yes  No

#### 115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?  Yes  No

#### 115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?  Yes  No

#### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

#### Policy: 355 SFS PREA Guide Sec 4, para F, 1b pg 13.

(b) If the staff determines the confinee has, 1) experienced prior sexual victimization in a previous confinement facility, or in an institution or in the community or, 2) has previously perpetrated sexual abuse in a previous confinement facility, or in an institution or in the community then offer to schedule a follow up meeting (to occur within 14 days of the initial screening) with a medical or mental health practitioner. Place the screening document and note the acceptance/declination of the offer in the Correctional Treatment File (CTF). Subsequently, include in the CTF the medical or mental health practitioner recommendations relative to treatment plans, management decisions for housing, and work outlets programs.

**Observations and interviews:** Medical/mental health are not on-site and do not participate in the intake process. Staff responsible for risk screening were interviewed and all indicated they were aware of the process. There have been no reports of prior sexual abuse during screening. If discovered, each is referred to the PREA Compliance Manager or NCOIC for review. Only confinement staff have access to risk screening documents.

**Finding:** (compliant)

Based on the above policy and documents reviewed by the auditor and interviews with staff, the facility is compliant with this policy. They have had no cases to date.

### Standard 115.82: Access to emergency medical and mental health services

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

#### 115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
  - Yes    No

### 115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?  Yes  No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners?  Yes  No

### 115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?  Yes  No

### 115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

### Policy: 355 SFS PREA Guide Sec 5 para D, 1-6 pg 18

#### D. Medical and Mental Health Services

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

(2) Confinee victims of sexual abuse while incarcerated are offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

- (3) Treatment services are provided to the victim—without financial cost to the victim—and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- (4) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in other facilities.
- (5) Confinée victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests, as medically necessary.
- (6) If pregnancy results from the conduct described in this section, victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care and access to pregnancy termination services, where available.

355 SFS PREA Guide Sec 5, para D,3 pg 19.

- (3) Treatment services are provided to the victim—without financial cost to the victim—and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

**Other documentation:** 99 SFS PREA Sexual Abuse Response Checklist which outlines first responder duties and medical/mental health responsibilities for emergencies.

**Observations and interviews:** A review of the above-mentioned checklist indicates staff following this would provide for immediate protection for the victim and the immediate notification to medical and mental health providers who are not within the facility, but a separate entity. Contact is also made with SAPRO who provide victim advocates and counseling services and, working with medical, set up SANE/SAFE with a local hospital. Detainees are not charged for any services rendered. First responder staff, which is all assigned confinement staff, were knowledgeable of the process and the checklist.

**Finding:** (compliant)

All aspects of 115.82 are covered well in policy and other documentation. Interviews confirmed.

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

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

### 115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?  Yes  No

### 115.83 (b)

- Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?  Yes  No

#### 115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care?  Yes  No

#### 115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)  Yes  No  NA

#### 115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if all-male facility.)  Yes  No  NA

#### 115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?  Yes  No

#### 115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?  Yes  No

#### 115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)  Yes  No  NA

#### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

**Policy:** 355 SFS PREA Guide Sec 5 para D, 1-6 pg 18

### D. Medical and Mental Health Services

- (1) Confinée victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (2) Confinée victims of sexual abuse while incarcerated are offered timely information and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- (3) Treatment services are provided to the victim—without financial cost to the victim—and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
- (4) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and referrals for continued care following their transfer to, or placement in other facilities.
- (5) Confinée victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests, as medically necessary.
- (6) If pregnancy results from the conduct described in this section, victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, such as prenatal care and access to pregnancy termination services, where available.

355 SFS PREA Guide Sec 4, para F,1 pg 13

- (b) If the staff determines the confinee has, 1) experienced prior sexual victimization in a previous confinement facility, or in an institution or in the community or, 2) has previously perpetrated sexual abuse in a previous confinement facility, or in an institution or in the community then offer to schedule a follow up meeting (to occur within 14 days of the initial screening) with a medical or mental health practitioner. Place the screening document and note the acceptance/declination of the offer in the Correctional Treatment File (CTF). Subsequently, include in the CTF the medical or mental health practitioner recommendations relative to treatment plans, management decisions for housing, and work outlets programs.
- (c) If sexual victimization in the community was not self-identified in the at-risk screening but, discovered by the medical or mental health practitioner, they must seek informed consent from the confinee, if over 18 years of age, for the release of that information to the confinement staff.
- (d) When the staff believes the confinee has adjusted to placement in a confined setting, using the same questions and methods, conduct the screening again however, do not exceed 30 days from in-processing. Reassess as necessary, when additional information is received or an abusive or victimization situation occurs or is believed possible. Place the screening document in the CTF.

**Other documentation:** Auditor reviewed the SAPRO website and brochures.

**Observations and interviews:** Air Force Level I facilities do not have full or part-time medical and mental health care practitioners who work regularly in its facilities. These services are conducted by the local military treatment facility or local medical facilities. The Sexual Assault Prevention and Response Office provides services to all Davis Monthan AFB personnel including confinees. SAPRO provides follow-up services and treatment plans for medical and mental health concerns and referrals to placement in other facilities. Per policy, pregnancy tests would be provided via base medical services and comprehensive information about all lawful pregnancy related services would be provided by on base medical or coordinated through SAPRO as would information about sexually transmitted infections. Interviews with SAPRO staff confirmed SAPRO provides all related services upon receiving a report or referral. All services are at no cost to the victim. SAPRO does have an MOU with Tucson Medical Center to provide emergency services for sexual assault victims.

**Finding:** (compliant)

Upon reviewing the policy, the SAPRO website and interviewing staff, the facility is found to be compliant with this standard. There have been no reported incidents at this facility in the last 12 months. SAPRO has dealt with incidents involving military base personnel, but not from the confinement facility. This indicates confidence in handling an incident from the confinement facility should it occur.

## DATA COLLECTION AND REVIEW

### Standard 115.86: Sexual abuse incident reviews

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

#### 115.86 (a)

- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?  Yes  No

#### 115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation?  Yes  No

#### 115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?  Yes  No

#### 115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?  Yes  No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?  Yes  No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?  Yes  No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts?  Yes  No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?  Yes  No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?  Yes  No

#### 115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

**Policy:** 355 SFS PREA Guide Sec 5, para F,5 pg 20.

(5) Sexual Abuse Incident Reviews [C.F.R. 115.86, AFI 31-105 para 1.3.12.2.2.]

- (a) The DFC ensures a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) The review ordinarily occurs within 30 days of the conclusion of the investigation.
- (c) The review team should be led by the DFCs designated rep and include squadron leadership with input investigators and medical or mental health practitioners.
- (d) The review team's actions include:
  - o Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse
  - o Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, status, perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility
  - o Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse
  - o Assess the adequacy of staffing levels in that area during different shifts
  - o The CF implements the review team's recommendations for improvement, or document its reasons for not doing so
  - o Prepare and promptly forward all incident reports, investigation reports and sexual abuse incident reviews to the DFC, PREA Compliance Manager, and the Air Force PREA Coordinator at the AFSCC to provide the data necessary to complete various Air Force level annual reports for the Department of Justice, e.g., the Survey of Sexual Violence, et.al.

AFI 31-105 states, in part:

- 1.3.12.2.1.2. The DFC ensures a Sexual Abuse Incident Review is conducted upon the completion of the law enforcement investigation, unless the investigation determines the report to be unfounded. DFC uses the information from this review to improve the effectiveness of the confinement facility's prevention, detection, and response policies, practices, and training. To provide timely staff reaction and response ordinarily this review should begin no later than 30 days after the incident is reported and include input from supervisors, investigators, and medical and mental health practitioners. Consider if demographics were relevant motives. Provide report and recommendations to the DFC for approval. Forward DFC decisions to the AF level PREA compliance coordinator who shares approved recommendations and justifications for non-approved recommendations for AF, and possibly DoD wide, cross flow. (T-0) 1.3.12.2.2.1. NOTE: Suggest DFC appoints STAN-EVAL NCOIC (who is not the PREA compliance manager) to conduct review.

**Other documentation:** Memo signed by the Defense Force Commander, appointing. MSgt. Germain as the incident review team leader.

**Observations and interviews:** The facility has had no reported incidents therefore no reviews have been conducted. In an interview with the designated Incident Review Team leader, the leader indicated all potential motivating factors listed in the standard are covered in the review checklist and would be reviewed by the team. He indicated the team would review the site of the incident to determine if physical barriers may have enable the abuse and whether monitoring technology should be deployed or augmented to supplement staff supervision.

**Finding:** (compliant)

Based on the information provided in policy and through the interviews and as no incidents have occurred to require an incident review be completed the facility is compliant with this standard.

Recommendation: The auditor is concerned that, although policy provides for ensuring each element of the standard are reviewed, should an incident occur, no documentation was provided to indicate an established checklist outlining the elements of the review. This was discussed with the incident review team leader as a recommendation.

## Standard 115.87: Data collection

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

### 115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?  Yes  No

### 115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually?  Yes  No

### 115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?  Yes  No

### 115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?  Yes  No

### 115.87 (e)

- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)  Yes  No  NA

### 115.87 (f)

- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)  
 Yes    No    NA

**Auditor Overall Compliance Determination**

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

**Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

**Policy: 355 SFS PREA Guide Sec 7, para A1 pg 25.**

**(1) The unit PREA Compliance Manager (PCM) collects accurate and uniform data for every allegation of sexual abuse at facilities under its direct control using the standardized PREA Response Checklist located of the SF SMARTnet.**

**355 SFS PREA Guide Sec 7, para A5 pg 25**

- (5) The annual report (template located on the SF SMARTnet) contains the following statistics in order to answer the annual Survey of Sexual Violence conducted by the Department of Justice:
- (a) Confinee-on-Confinee allegations of Nonconsensual Sexual Acts
  - (b) Confinee-on-Confinee allegations of Abusive Sexual Contact
  - (c) Staff-on-Confinee allegations of Staff Sexual Misconduct
  - (d) Staff-on-Confinee allegations of Sexual Harassment

**355 SFS PREA Guide Sec 7, para A2 pg 25**

(2) The PCM aggregates the incident-based sexual abuse data at least annually and provides a copy to the PREA Coordinator at the AFSFC where it will be maintained for a period of 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

355 SFS PREA Guide Sec 7, para A3 pg 25

(3) All PREA collected data from all available incident-based documents, including reports, investigation files, response checklist, and sexual abuse incident reviews are promptly sent to the AFSFC PREA Coordinator. This data will be maintained at the unit level as long as the alleged abuser is incarcerated plus 5 years.

**Other documentation:** Auditor reviewed 2015 & 2016 annual reports for all USAF Level One confinement facilities. There were no allegations of sexual abuse or harassment in either year. <http://www.af.mil/Portals/1/documents/sapr/2016%20AF%20PREA%20Annual%20Report.pdf?ver=2017-02-01-150357-283>

**Observations and Interviews:** In interviews with the PREA Coordinator and Agency Head, both stated data is collected, reviewed and signed by the Agency Head and reported annually.

**Finding:** (compliant)

Based on a review of the annual report as posted on the website, the policy and from information provided in interviews, the facility/agency are in compliance with the standard.

## Standard 115.88: Data review for corrective action

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

### 115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?  Yes  No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?  Yes  No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?  Yes  No

### 115.88 (b)

- Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse  Yes  No

### 115.88 (c)

- Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?  Yes  No

### 115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

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

### Policy: 355 SFS PREA Guide Sec 7, para B2 pg 26.

(2) Such reports include a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the unit's progress in addressing sexual abuse.

### 355 SFS PREA Guide Sec 7, para B1 pg 25

## B. Data Review for Corrective Action [C.F.R. 115.88]

- (1) The PCM along with squadron senior leadership reviews all PREA data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, practices, and training, including by:
  - (a) Identifying problem areas
  - (b) Taking corrective action on an ongoing basis
  - (c) Preparing an annual PREA report (template located on the SF SMARTnet) of its findings and corrective actions for the facility

### 355 SFS PREA Guide Sec 7, para B3 pg 25

- (3) The unit's report is approved by the DFC and made readily available to the public.

**NOTE: AFSFC will make Annual PREA reports available on the non-secure SF SMARTNET for all Air Force Level I facilities in order to comply with this standard.**

<http://www.af.mil/Portals/1/documents/sapr/2016%20AF%20PREA%20Annual%20Report.pdf?ver=2017-02-01-150357-283>

### 355 SFS PREA Guide Sec 7, para B4 pg 25

- (4) The unit removes personal identifiers and may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but indicates the nature of the material redacted.
- (5) The AFSFC PREA Coordinator is the repository for all PREA data. Pursuant to 115.87, all PREA data will be maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

**Observations and interviews:** As the facility has had no incidents reported, reviews of data to improve its effectiveness, based on data, cannot occur.

2016 data is compared to 2015 data on the website.

The annual report is signed by the Agency Head.

Although the website-SMARTNET could not be accessed by the auditor, the annual reports were found at [www.af.mil/Portal/1/documents/sapr/2016-AF-PREA-Annual-Report.pdf](http://www.af.mil/Portal/1/documents/sapr/2016-AF-PREA-Annual-Report.pdf).

As no incidents were reported in level one facilities, statistical data is all that is compiled in the report.

Policy requires all PREA data will be maintained for at least 10 years.

In interviews with the PREA Coordinator and Agency Head, both stated data is collected, reviewed and signed by the Agency Head and reported annually.

**Finding:** (compliant)

Based on a review of the annual report as posted on the website, the policy and from information provided in interviews, the facility/agency are in compliance with the standard.

## Standard 115.89: Data storage, publication, and destruction

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

#### 115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?  
 Yes  No

#### 115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?  Yes  No

#### 115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?  Yes  No

#### 115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?  Yes  No

### Auditor Overall Compliance Determination

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

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does*

not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

**Policy:** AFI 31-105—5.12 **Annual Confinement Report.** Installations with on-base Level I CFs complete this report annually. (Holding Cells and Detention Cells are not Level I CFs for this purpose). The confinement officer responsible sends this report, via DD Form 2720, *Annual Confinement Report*, to AFSFC/SFC. The report covers the periods from January to December. Submit electronically to: [afsfc.sfcv@us.af.mil](mailto:afsfc.sfcv@us.af.mil). (DSN fax: 945-5411). Assign Report Control Symbol (RCS): DD-P&R (A) 2067 to the Annual Confinement Report. This report is designated emergency status code D. Immediately discontinue reporting data requirements during emergency conditions. AFSFC/SFC consolidates all facility reports into one report and submits to OUSD (P&R) no later than 5 February each year.

Annual PREA Report. Complete and send the PREA Annual Report to AFSFC/FC. See the AFSFC SMARTNet for report template.

#### **355 SFS PREA Guide Sec 7, para B5 pg 25**

(5) The AFSFC PREA Coordinator is the repository for all PREA data. Pursuant to 115.87, all PREA data will be maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

#### **355 SFS PREA Guide Sec 7, para B3 pg 25**

(3) The unit's report is approved by the DFC and made readily available to the public.

**NOTE: AFSFC will make Annual PREA reports available on the non-secure SF SMARTNET for all Air Force Level I facilities in order to comply with this standard.**

#### **355 SFS PREA Guide Sec 7, para B4 pg 25**

(4) The unit removes personal identifiers and may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but indicates the nature of the material redacted.

(5) The AFSFC PREA Coordinator is the repository for all PREA data. Pursuant to 115.87, all PREA data will be maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

**Observations and interviews:** In interviewing the PREA Coordinator, all data is maintained by the PREA Coordinator at a secure location at Lackland AFB. Although the website-SMARTNET could not be accessed by the auditor, the annual reports were found at [www.af.mil/Portal/1/documents/sapr/2016-AF-PREA-Annual-Report.pdf](http://www.af.mil/Portal/1/documents/sapr/2016-AF-PREA-Annual-Report.pdf).

As no incidents were reported in level one facilities, statistical data is all that is compiled in the report therefore, no redactions were necessary. Policy requires all PREA data will be maintained for at least 10 years.

**Finding:** (compliant)

Based on a review of the annual report as posted on the website, the policy and from information provided in interviews, the facility & agency are in compliance with the standard.

## AUDITING AND CORRECTIVE ACTION

### Standard 115.401: Frequency and scope of audits

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

##### 115.401 (a)

- During the three-year period starting on August 20, 2013, and during each three-year period thereafter, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (N/A before August 20, 2016.)  
 Yes  No  NA

##### 115.401 (b)

- During each one-year period starting on August 20, 2013, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited?  Yes  No

##### 115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?  
 Yes  No

##### 115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?  Yes  No

##### 115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?  
 Yes  No

##### 115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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

This was an initial audit for Davis Monthan Air Force Base and one of the first USAF level one facilities to be audited.

### Standard 115.403: Audit contents and findings

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

#### 115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.)  Yes  No  NA

#### Auditor Overall Compliance Determination

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

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

**Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Initial audit.

## AUDITOR CERTIFICATION

I certify that:

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

### Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.<sup>1</sup> Auditors are not permitted to submit audit reports that have been scanned.<sup>2</sup> See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

David D. Cotten

May 2, 2018

**Auditor Signature**

**Date**

<sup>1</sup> See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

<sup>2</sup> See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.