

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

Interim Final

Date of Interim Audit Report: September 3, 2021 N/A

Date of Final Audit Report: October 21, 2021

Auditor Information

Name: Jennifer L. Feicht	Email: jennifer@jlfconsulting.net
Company Name: Jennifer L. Feicht Consulting, LLC.	
Mailing Address: PO Box 308	City, State, Zip: St. Petersburg, PA 16054
Telephone: (724) 679-7280	Date of Facility Visit: April 28, 2021

Agency Information

Name of Agency: Air Force Security Forces Center			
Governing Authority or Parent Agency (If Applicable): United States Air Force			
Physical Address: 1517 Billy Mitchell, Bldg. 954		City, State, Zip: JBSA Lackland, TX 78236-0119	
Mailing Address: Same		City, State, Zip: Same	
The Agency Is:	<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
Agency Website with PREA Information: https://afsfmil.lackland.af.mil/sfc-PREA.html			

Agency Chief Executive Officer

Name: Joseph Wegner/ Director, Confinement & Corrections Directorate	
Email: joseph.wegner@us.af.mil	Telephone: 210-925-7733

Agency-Wide PREA Coordinator

Name: Marcus Sidney/PREA Coordinator	
Email: marcus.sidney.1@us.af.mil	Telephone: 210-925-0845
PREA Coordinator Reports to: Director, Air Force Confinement and Corrections Directorate	Number of Compliance Managers who report to the PREA Coordinator: 21

Facility Information

Name of Facility: Ellsworth Air Force Base Confinement Facility (ECF) 28th Security Forces Squadron

Physical Address: 2740 Eaker Dr. Bldg. 4400 Ste. 209

City, State, Zip: Ellsworth AFB, SD 57706

Mailing Address (if different from above):
Same

City, State, Zip: Same

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Type:

Prison

Jail

Facility Website with PREA Information: <https://afsfmil.lackland.af.mil/sfc-PREA.html>

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

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

ACA

NCCHC

CALEA

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

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:
The facility has not had any internal or external audits.

Warden/Jail Administrator/Sheriff/Director

Name: Captain Cory A. Cook

Email: cory.cook.6@us.af.mil

Telephone: (605) 385-6505

Facility PREA Compliance Manager

Name: Mr. Greg Wooten

Email: gregg.wooten@us.af.mil

Telephone: (605) 675-2942

Facility Health Service Administrator N/A

Name: [Click or tap here to enter text.](#)

Email: [Click or tap here to enter text.](#)

Telephone: [Click or tap here to enter text.](#)

Facility Characteristics

Designated Facility Capacity:

8 inmates

Current Population of Facility:	1	
Average daily population for the past 12 months:	2	
Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input type="checkbox"/> Males <input checked="" type="checkbox"/> Both Females and Males	
Age range of population:	18-99 (Adults Only)	
Average length of stay or time under supervision:	4 months	
Facility security levels/inmate custody levels:	DOD Level 1 Facility – Custody range Min, Med, Max	
Number of confinees admitted to facility during the past 12 months:	10	
Number of confinees admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	10	
Number of confinees admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:	8	
Does the facility hold youthful confinees?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Number of youthful confinees held in the facility during the past 12 months: (N/A if the facility never holds youthful confinees)	Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Does the audited facility hold confinees for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Select all other agencies for which the audited facility holds confinees: Select all that apply (N/A if the audited facility does not hold confinees for any other agency or agencies):	<input type="checkbox"/> Federal Bureau of Prisons <input type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: Click or tap here to enter text. <input checked="" type="checkbox"/> N/A	
Number of staff currently employed by the facility who may have contact with confinees:	4	
Number of staff hired by the facility during the past 12 months who may have contact with confinees:	4	
Number of contracts in the past 12 months for services with contractors who may have contact with confinees:	0	

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

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

Investigations

Criminal Investigations

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

Administrative Investigations

Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?	0
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input checked="" type="checkbox"/> Other (please name or describe: 28 th SFS <input type="checkbox"/> N/A

Audit Findings

Audit Narrative (including Audit Methodology)

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

The PREA audit for the Ellsworth Air Force Base was contracted through Ladlas Prince, LLC. Due to the size of the facility, the audit was planned for one day onsite at the facility and scheduled for April 28, 2021.

Initial information was provided via email by the agency and facility. These emails contained the Pre-Audit Questionnaire and supporting documentation. The facility provided its guiding policy, "28th Security Forces Squadron Prison Rape Elimination Act (PREA) Guidance". It is referenced multiple times throughout this report. In addition, the staff provided photographs of the audit notices posted throughout the facility with a date noted as November 24, 2020.

The onsite audit began on April 28, 2021, with an initial meeting with the outgoing Non-Commissioned Officer In Charge (NCOIC) from the facility and the incoming NCOIC. The Major was also present. This meeting was held to make introductions, answer questions and review the tentative agenda and the facility tour began shortly after. As this facility is small, there will only be two staff assigned to the facility the day after the onsite audit was complete. The PREA Compliance Manager (PCM) was not available for the onsite audit as he was out of the country at the time. Even when he returns, he does not work directly in the facility.

The onsite tour covered the entire facility and areas in which confinees have access to. As this is a United States Air Force Base, it is a different type of facility than most adult correctional facilities, with different staff functions and operations. More detail will be provided in later sections of this report.

Because of the size of the facility, the tour was brief. There is one open bay dormitory room which can house up to six people at a time. There is camera coverage in the dormitory area. A dayroom is next to the dormitory. This area also has camera coverage.

There are two segregation cells down a hallway off the dayroom area. Staff indicated that these are not usually used for disciplinary segregation but used for the 72-hour acclimation period when a confinee is first brought into the facility. Both of these cells have camera coverage, including night vision cameras.

Additionally, there is a bathroom area, with washer and dryer off the dayroom. There is no camera in the bathroom. This space is used for the strip searches. An officer will stand in the doorway of the bathroom and require the confinee to strip.

The facility also has a visitation area which is both audio and video monitored. When there is a legal visit occurring, the audio will be deleted.

As the tour progressed, the staff walked through all the parts of the intake for a new confinee, indicating where all of these processes take place.

Next the Auditor began with the interviews of staff members that were at the facility. The following staff members were interviewed as part of this onsite audit.

- Current Non-Commissioned Officer In Charge (NCOIC)
- Major (Warden)
- Flight Staff Members who work in B-Dock
- Office of Special Investigations (OSI) Staff

At the time of the onsite audit, there were no confinees housed in the facility. The last confinee left the facility approximately 1.5 weeks prior to the onsite audit.

Confinee file documentation was provided by the NCOIC when requested and reviewed as a normal part of the onsite visit for a PREA audit.

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.

Ellsworth Air Force Base Confinement Facility (ECF) 28SFS is located on the Ellsworth Air Force Base near Rapid City, SD. The 28th Bomb Wing (BW) is the host unit at Ellsworth. This base is one of only two B-1B bases in the world. The 28th BW is aligned with the Eighth Air Force under the Air Force Global Strike Command.

Ellsworth Air Force Base is home to 3,700 Airmen and DoD civilians and their families. It is located approximately ten miles from Rapid City, SD (population of approximately 70,000) and is in Box Elder, SD (population of approximately 8,000).

This base was opened on January 2, 1942, by the U.S. War Department. The facility was initially named the Rapid City Army Air Base and was established as a training location for B-17 *Flying Fortress* crews. The mission of this base changed many times over the years and as noted is now home to the 28th Bomb Wing. This wing is comprised of several wing staff agencies and four groups which includes the 28th Operations Group, the 28th Maintenance Group, the 28th Mission Support Group and the 28th Medical Group.

The Air Force operates Department of Defense Level I Confinement Facilities. These facilities typically house confinees for six months or less but can be for a maximum of one year. The Air Force currently operates 16 AF Level I facilities across the United States, however this number does fluctuate as new facilities are opened and others are closed.

These facilities are designed to house minimum to maximum level confinees who are in both pre- and post-trial status. The facility can house either male or female confinees, but due to the design of this facility, they do not house both genders at the same time.

If there were a situation where both genders may be in the facility at the same time, arrangements will be made to transfer the female to the Pennington County Sheriff's Office (PCSO). Males may be transferred to PCSO in instances where there must be a separation between two or more males.

When the NCOIC is in the building, on duty, he monitors the confinees in the facility. When these positions are off duty or out of the building, the B-Dock staff, are responsible for monitoring the cameras. The staff is currently working on trying to get an intercom system. As of right now, there is no way for a confinee to get in touch with a staff member unless they wave to the camera and the B-Dock staff see them.

Typically, confinees in this facility are housed there 24/7. However, similar to the work release program in civilian correctional facilities, a confinee may be required to report to their work assignment they had when they were incarcerated. In most cases that decision is determined by their commanding officer.

This facility can house both pre-trial confinees who are pending a court-martial, as well as post-trial confinees serving a court-martial sentence. If the confinee is sentenced to longer than one year, that confinee will be transferred to another facility.

It should be noted that Ellsworth Confinement Facility has had no allegations of sexual abuse at this facility.

Due to the limited cases of sexual abuse at the facility, the staff were clear that they rely on the expertise of the USAF PREA Coordinator when they encounter a situation they have not dealt with previously. The PREA Coordinator provides guidance and direction to the staff at ECF to ensure that all standards are being implemented properly.

Summary of Audit Findings

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

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

Standards Exceeded

Number of Standards Exceeded: 0

List of Standards Exceeded:

Standards Met

Number of Standards Met: 45

Standards Not Met

Number of Standards Not Met: 0

List of Standards Not Met:

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.

The United States Air Force has established a zero-tolerance policy for all its confinement facilities. The 28th Security Forces Squadron (SFS) PREA Guidance document states the following.

1. PURPOSE

"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), AFMAN 31-105 para 1.3.10.]

"The 28 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 Manual (AFMAN) 31-115, and reaffirmed in this guidance for the enforcement prevention, detection and response to such conduct."

The USAF has assigned one person, the PREA Coordinator, to oversee all confinement facilities operated by the USAF. This position is housed at the Lackland Air Force Base in San Antonio, TX. The current, and first PREA Coordinator, for the USAF is a civilian position. The PREA Coordinator is a retired AF Corrections Superintendent who also has experience working in civilian corrections in Texas. He established the PREA program from the ground up and is responsible to ensure all policies remain up to date and all facilities are in compliance with the PREA standards.

In addition to his PREA duties, the PREA Coordinator is also responsible for overseeing the overall corrections policy, restricted housing, coordinating confinee movement between facilities, Levels 1-3.

Each facility has a PREA Compliance Manager (PCM) who does not directly oversee the confinement facility but does conduct PREA functions. The Non-Commissioned Officer In Charge (NCOIC) oversees the confinement facility and performs PREA functions. There is also an Assistant NCOIC for all facilities. When no corrections staff are on duty, the supervision of the confinement facility falls to the Flight Chief on duty.

Typically, the local PREA staff members at each facility are assigned to this position for an average of two years and then rotate out for a variety of reasons including, but not limited to military orders, contingency deployments, promotions, separations from the service, etc.)

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

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 confinees 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 confinees.) 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 confinees.) 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.

The Ellsworth Confinement Facility (ECF) has a Memorandum of Agreement (MOA) with the Pennington County Sheriff's Office (PCSO) to house confinees if needed. The staff indicated that this would be used when there are both genders who need to be housed at the same time. If this were the case, the female confinee would be the one transferred to the county jail. This would be a temporary situation and the goal would be to get that confinee transferred to another military facility.

The facility provided the MOA for review by this Auditor. The agreement includes a clause which requires the PCSO to maintain PREA compliance.

4.1. *The Pennington County Sheriff's Office will:*

- 4.1.2.21. *Abide by all guidance enacted in the Prison Rape Elimination Act:*
- (a) *Ensure a safe and humane environment for all inmates and has zero tolerance for all forms of sexual abuse, sexual harassment and/or sexual misconduct within its facility.*
 - (b) *Sexual contact between inmates and/or staff is not permitted at the Pennington County Jail. According to South Dakota Codified Law 22-22-7.6: sexual acts between any person employed at a jail and detainees is a felony which is punishable by two years in a state penitentiary and a \$2,000.00 fine. Inmates engaging in consensual sexual contact are in violation of facility rules and will face disciplinary action.*
 - (c) *Inmates receive education about their rights under PREA upon intake and throughout their stay VIA an orientation video that plays daily and an inmate handbook that is issued to each inmate.*

4.1.2.22. *Provide ways for inmates to report allegations of sexual abuse, sexual harassment, and/or sexual misconduct and ensure all allegations are thoroughly investigated.*

(a) *Methods of reporting will include but not limited to written or verbal reports, contacting a Rape Crisis Center or Third Party reporting.*

4.1.2.23. *Ensure an Agency wide PREA Coordinator and a PREA manager are employed.*

4.2 *Ellsworth AFB will via:*

4.2.1. *The 28th Bomb Wing will:*

4.2.1.1 *Ensure inmate's Unit Commander, First Sergeant, or designated unit representative will visit the inmate(s) at least once a month.*

The facility looks at the compliance of the PCSO in regard to the required posting of audit reports by the facility on the agency's website. This is in addition to visiting an inmate at least monthly while they are confined in that facility.

Standard 115.13: Supervision and monitoring

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

115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect confinees against sexual abuse?
 Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?
 Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any finding
- of inadequacy from Federal investigative agencies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or confinees may be isolated)? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the

staffing plan take into consideration: The number and placement of supervisory staff?

Yes No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?
 Yes No NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? Yes No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? Yes No

115.13 (b)

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

115.13 (c)

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

115.13 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

The ECF provided a staffing plan for review. All required components of the staffing plan have been included. The plan provided was dated January 2, 2020. Initially this audit was to begin months earlier, however COVID made it impossible for that to be done. The staffing plan provided was dated for over a year ago and this was through no fault of the staff. A copy of the 2021 staffing plan was provided to this Auditor as requested.

The Major was able to discuss how the staffing plan is developed and what latitude that he has should the need arise for additional staffing at the confinement facility. He did indicate that he has not had the need to add additional staff to the confinement facility to this point.

An interview with PREA Coordinator did confirm that he is required to review and approve all facility staffing plans by January 15th of each year for the previous year.

Upper-level leadership including the 1st Sergeant, Commander Chief, and Sr. Airman are required to conduct unannounced rounds throughout the facility. The Major will also pick other senior level staff to conduct these unannounced rounds. Interviews with staff members and B-Dock staff did indicate these rounds are being conducted.

Rounds are to be documented in the blotter that is completed by any B-Dock personnel on shift when the event occurred. Prior to the beginning of January, it was near impossible to determine what was a PREA Round on the blotter. They were marked as "Other" in the system. However, beginning in January, there was a change to the system and new confinement tabs were created. This is where the information on the unannounced rounds is kept.

Since it was only six days into January when this new system has been up and running, the facility was required to provide this Auditor with a log of one month of PREA unannounced rounds documentation to ensure the process remains in place and is being utilized properly. This information was provided to this Auditor as requested.

Standard 115.14: Youthful confinees

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

115.14 (a)

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

115.14 (c)

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

The Ellsworth Confinement Facility does not house youthful confinees under the age of 18 and it would be a very rare situation that there would be an airman under the age of 18 on the base.

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

115.15 (d)

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

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This facility can house both male and female confinees, although not at the same time. It is the practice of the facility to conduct strip searches during the in processing of all confinees. As the PCM and NCOIC are both male staff at this time, and if there is a female confinee, then staff would call in a female patrolman to assist with that search. These searches take place in the bathroom off of the dayroom as indicated earlier in this report.

The staff that supervise confinees in the confinement facility are required participate in cross gender search training. This includes the PCM, NCOIC, and all staff that work in the B-Dock office. The incoming NCOIC has been updating the yearly training for all flight staff. He conducted training the day before the audit for three flights and conducted the training the next week after the onsite audit for the other three flights.

Due to the policies of the United States military, this facility has not had any confinee identify as transgender. When asked about the transgender/intersex procedures that must be followed, staff were aware that there were specific regulations to follow when interacting with a transgender or intersex individual, however, they would have to refer to USAF policies to ensure that those policies are followed.

The PREA Guidance document includes a section specifically detailing the process to be followed when working with a transgender individual. The section, titled “4. Preventing and Detecting Sexual Abuse and Harassment, D. Transgender Intake, Cross Gender Viewing and Searches [C.R.F. 115.41 and 115.42]”. This information is found on pages 10-12 of the document.

Standard 115.16: Confinees with disabilities and confinees 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 confinees 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: confinees who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that confinees 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: confinees who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that confinees 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: confinees who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that confinees 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: confinees who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that confinees 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: confinees who have speech disabilities? Yes No
- Does the agency take appropriate steps to ensure that confinees 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 confinees 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 confinees with disabilities including confinees 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 confinees with disabilities including confinees 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 confinees with disabilities including confinees 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 confinees 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

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During the tour of the facility, this Auditor did observe that information regarding PREA was displayed in both English and Spanish. Also, some information provided in the pre-audit documentation was provided in both English and Spanish.

Interviews with staff identified some unique qualities that were discussed in terms of individuals in the military overall. Due to the requirements of enlistment, individuals are required to be able to speak and understand both verbal and written English prior to their acceptance into the military. Additionally, there are very few individuals with physical disabilities in the military, again due to the requirements/demands of the positions.

However, each confinee is evaluated on a case-by-case basis to determine if there is any need for materials in a different language or if there is a need as a result of any type of disability. If a need is identified, the NCOIC will ensure the confinee has the appropriate tools to ensure the confinee understands PREA and how to make a report if they would need to do so while housed in the confinement facility.

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 confinees 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 confinees 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 confinees 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 confinees 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 confinees 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 confinees who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? Yes No

115.17 (b)

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

115.17 (c)

- Before hiring new employees, who may have contact with confinees, does the agency perform a criminal background records check? Yes No
- Before hiring new employees who may have contact with confinees, 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 confinees? 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 confinees 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 confinees 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 confinees 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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The ECF requires that all staff have background checks and provide information to leadership if they are involved in an incident of sexual abuse or any legal trouble. The PREA Guidance document addresses these issues.

Interviews with the NCOIC indicated that at the time of enlistment and re-enlistment, all personnel are required to submit to background checks. It was also noted that initial background checks are completed by the Office of Personnel Management (OPM) and there are elder and child abuse checks conducted through NCIC. Additionally, there is continual monitoring for offenses through the Air Force Justice Information System (AFJIS). If a member of the Air Force is charged with any criminal charges, this system will alert the command of the base where the member is stationed.

During interviews with the staff, it was determined that the corrections staff at ECF had not completed the three questions required in this standard. In order to correct this issue, the staff implemented the use of a form titled "Disclosure of PREA Employment Standards Violation". This form includes the three required questions be answered, information regarding the corrections staff ongoing duty to report and law enforcement involvement, the requirement to provide truthful answers and informs the employee that if any of the answers on the form were "yes", they were not eligible to be hired as a confinement staff or if they are currently a confinement staff, they would be removed from continued employment with Air Force Corrections. Copies of these completed forms for staff members were provided to this Auditor as verification that this procedure has been implemented.

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 confinees 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 confinees 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*)

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At the time of this audit, there were no major renovations/construction projects at this facility. Nor has there been any additions to the electronic monitoring system in the facility.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

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

115.21 (a)

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

115.21 (b)

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

115.21 (c)

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

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No
- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency *always* makes a victim advocate from a rape crisis center available to victims.) Yes No NA

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

115.21 (e)

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

115.21 (f)

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

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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Ellsworth Air Force Base has departments that will investigate allegations of sexual abuse and sexual harassment. The PREA Guidance document has directives for the staff to follow, including contacting the AFOSI for direction on what procedures to follow for investigative purposes.

If there is an allegation of sexual abuse in the confinement facility, and it falls within the appropriate timeframe, the confinee will be taken for a medical examination and offered a forensic medical examination. The medical center on base does not have a SAFE or SANE nurse, therefore the alleged victim must be taken to an outside civilian hospital.

Staff would ensure that immediate medical attention is not needed. If acute care is needed, the confinee would be seen at the base medical center if open, and at the local civilian emergency room if outside of the hours of the medical center on base. If the alleged victim would need a forensic medical exam, the facility will take the victim to Monument Health Rapid City Hospital in Rapid City, SD. This facility is located 10-15 minutes from the base.

Although the attempt was made to interview the Sexual Assault Rape Crisis Counselor (SARCC) at Ellsworth, this Auditor was unable to connect with her. However, the NCOIC, both incoming and outgoing, indicated that they would have no problem calling the SARCC if needed. As noted earlier, there has not been any allegations made at the facility.

Standard 115.22: Policies to ensure referrals of allegations for investigations

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

115.22 (a)

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

115.22 (b)

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

115.22 (c)

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

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
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For all allegations of sexual abuse or sexual harassment made at the facility, the NCOIC would immediately notify the Air Force Office of Special Investigations (AFOSI). AFOSI would then determine if that department will conduct the investigation or if it will be referred to another agency. Cases of sexual harassment are referred to the Equal Opportunity (EO) Office for investigation.

The NCOIC documents all referrals for investigation and will receive a copy of the investigative information when an investigation is complete. The interview with the OSI investigator also corroborated that sentiment. He would keep the staff apprised of the investigation.

The PREA Guidance document provides information for staff to follow when there is an allegation of sexual abuse or sexual harassment. That information can be found in the following section.

5. **RESPONDING TO REPORTS OF SEXUAL ABUSE AND SEXUAL HARASSMENT**
[C.F.R. 115.51, AFMAN 31-115 para 2.5.]

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

one *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.....*

The USAF, as required, has a webpage dedicated to PREA information. The website address for this page is <https://www.afsfc.af.mil/PREA>.

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 confinees on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with confinees 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 confinees on confinees' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with confinees on the right of confinees 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 confinees on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with confinees on the common reactions of sexual abuse and sexual harassment victims? Yes No
- Does the agency train all employees who may have contact with confinees 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 confinees on how to avoid inappropriate relationships with confinees? Yes No
- Does the agency train all employees who may have contact with confinees on how to communicate effectively and professionally with confinees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming confinees? Yes No
- Does the agency train all employees who may have contact with confinees 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 confinees at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male confinees to a facility that houses only female confinees, or vice versa? Yes No

115.31 (c)

- Have all current employees who may have contact with confinees 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*)
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The USAF requires that all staff members who work in the confinement facility or in the B-Dock area receive training on PREA and the policies and procedures which are in place. PREA information is incorporated into many of the trainings that confinement facility staff are required to take to know how to operate the confinement facility.

The NCOIC does training for flight staff on sexual abuse and harassment and PREA. As noted earlier in this report, one of those trainings was conducted the day before the onsite audit visit and one was conducted the week after the onsite audit visit. The training includes some of the following topics.

- The definition of PREA
- The Zero Tolerance policy
- The right for confinees and staff to be free from retaliation for reporting sexual misconduct
- Reporting process for confinees
- Confinees' rights in the confinement facility
- Working with victims and understanding responses and reactions to sexual abuse
- Transgender definitions
- Training on different searches, including cross gender searches
- Avoiding inappropriate relationships with confinees in the confinement facility

During the onsite portion of the audit, there were not training documents available to review for the staff members of the confinement facility. However, the PREA Coordinator was able to provide that documentation after the onsite portion of the audit was completed.

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 confinees 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 confinees 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 confinees)? 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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As a non-traditional correctional facility, the confinement facility at Ellsworth does not utilize volunteers or contractors which would have direct contact with confinees housed in this facility. Staff confirmed this during the in-person interviews. If medical or mental health services are needed, those are provided offsite.

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 confinees receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do confinees 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 confinees 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 confinees 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 confinees either in person or through video regarding: Agency policies and procedures for responding to such incidents? Yes No

115.33 (c)

- Have all confinees received the comprehensive education referenced in 115.33(b)? Yes No
- Do confinees 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 confinees including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all confinees including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all confinees including those who are visually impaired? Yes No
- Does the agency provide inmate education in formats accessible to all confinees including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all confinees 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 confinees 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

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According to staff interviews, inmate education is provided to confinees when in-processed to the facility. The NCOIC is responsible for providing PREA information to the confinee. There is an in-process checklist which the NCOIC is required to complete with each confinee. PREA is part of the at checklist. Within 24 hours of arrival at the facility, the NCOIC is required to complete the PREA risk assessment with the confinee. The NCOIC also indicated that the required 30-day risk assessment is completed during the third week in which the confinee has been incarcerated at the facility.

According to staff interviews, in addition to the face-to-face information provided, each confinee is required to watch a PREA video entitled “*PREA: What you Need to Know*”. This 16-minute video is a common video used in many adult confinement facilities. This video is available online at www.youtube.com.

However, the computers have a firewall in place that do not allow viewing of that website. The PREA Coordinator sent the staff a link to the video, which will not always work on the facility computers. There are occasions when the staff have to pull this video up on their personal cell phones to have confinees view it.

It would be a strong recommendation of this Auditor that the Air Force provide each correctional facility with a way to access this video online or provide it on a type of data storage device.

As mentioned earlier in this report, no confinees were being housed at the time of the onsite audit visit. Therefore, this Auditor was unable to verify that this education was being provided through face-to-face interviews.

Additionally, the Auditor reviewed the confinee files of six confinees that had been housed at ECF over the last 12 months. The documentation of the education was there to verify.

The PREA Guidance document the facility is to adhere to provides the following guidance.

- B. Confinee Orientation and Education [C.F.R. 115.33, AFI 31-105 para 2.9.]*
- one 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.*

Standard 115.34: Specialized training: Investigations

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

115.34 (a)

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

115.34 (b)

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

115.34 (c)

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

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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Criminal investigations of sexual abuse in this confinement facility are conducted by the AFOSI. This office is a federal law enforcement agency which conducts criminal investigations. This office is not only tasked with investigating sexual abuse, but any type of crime on Air Force Bases. AFOSI is not part of the confinement facility. Therefore, no PREA specialized investigations training is required of the investigators.

No staff members who work in the confinement facility conduct any type of PREA investigations.

Standard 115.35: Specialized training: Medical and mental health care

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

115.35 (a)

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

115.35 (b)

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

115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) Yes No NA

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)
 Yes No NA
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) Yes No NA

Auditor Overall Compliance Determination

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

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The ECF does not employ any medical or mental health staff members, either full or part time. If a medical or mental health need arises while an confinee is housed at the facility, the staff members will reach out to the medical and mental health resources that are available on Ellsworth AFB.

Since these services are not offered by the confinement facility, none of the medical or mental health personnel are required to participate in the PREA specialized training.

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 confinees assessed during an intake screening for their risk of being sexually abused by other confinees or sexually abusive toward other confinees? Yes No
- Are all confinees assessed upon transfer to another facility for their risk of being sexually abused by other confinees or sexually abusive toward other confinees? 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 confinees for risk of sexual victimization: one 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 confinees 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 confinees 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 confinees 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 confinees 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 confinees 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 confinees 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 confinees 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 confinees 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 confinees for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

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

115.41 (f)

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

115.41 (g)

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

115.41 (h)

- Is it the case that confinees are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)one, (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 confinees? 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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As noted earlier in this report, the NCOIC is responsible for the in-processing of confinees to the confinement facility. Part of that process includes the administration of the PREA risk assessment titled "Risk Survey for Confinee Victimization and Abusiveness". This form is found on the secure SF SMARTnet according to the PREA Guidance document.

During the interview with the NCOIC, it was indicated that the risk assessment is almost always completed the same day the confinee is processed into the facility. If the confinee is still at the facility up to 30 days from the initial in-processing, the NCOIC is required to conduct the follow up risk assessment utilizing the same form.

The PREA Guidance document also has direction about when the NCOIC would be required to conduct an additional assessment. This would be required if there was a sexual abuse allegation, or the confinee provided additional information regarding sexual abuse. If an confinee discloses sexual abuse during this process, the NCOIC is required to offer mental health services to the confinee.

The PREA Guidance document provides the following guidance regarding the required risk assessments.

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

one Screening for Risk of Victimization and Abusiveness

(a) Within 72-hours of in-processing, screen the confinee using the "Risk Survey for Confinee 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.

This Auditor had the opportunity to review confinee files and documentation. The 72-hour risk assessments were included in the files, however, not all the 30-day risk assessments were included. Some that were included were conducted outside of that required timeframe. When questioned, the NCOIC indicated that there was no one to conduct those assessments if she was not at the facility, either out of the state or on another assignment.

In order to come into compliance with this standard, information was requested regarding any new confinees that would enter the facility. However, due to the small utilization of the facility, there have been no new confinees in the facility.

The facility has updated the PREA Guidance Document to reflect the administration of the 30-day risk assessment and staff are fully aware of the requirement for all incoming confinees from this point forward.

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

Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
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- Does Not Meet Standard** (*Requires Corrective Action*)

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The NCOIC is required utilize the information obtained from the risk assessment when determining housing assignments and work outlets. This assessment was developed for staff to utilize as a tool for making good correctional decisions.

The PREA Guidance document states the following in regard to this standard.

- F. *Screening of Confinees [C.F.R. 115.41, AFI 31-105 para 3.1.3.1.]*
 - one *Screening for Risk of Victimization and Abusiveness*
 - (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 legal order.*

When interviewed, the staff indicated that there has not been a transgender or intersex individual in the facility during the time they have been assigned to their current posts. The PREA Guidance document states the following.

"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 assignment decisions are made on a case-by-case basis and coordinated with the Confinement Officer and the AFSFC.*
- b. *Assignments are made with the confinee's health and safety in mind; and whether the placement would present management or security problems.*
- c. *In creating the individual treatment plan, a transgender or intersex confinee's own views with respect to their own safety shall be given serious consideration.*
- d. *Staff should ask transgender confinee's housing preferences (housed as a male or female) and document accordingly.*
- e. *Transgender or intersex confinees are given the opportunity to shower separately from other inmates.*
- f. *Confinement NCOIC follows up every (30) days to determine whether there have been any threats to safety experienced by the confinee.*
- g. *The confinement facility does not place lesbian, gay, bisexual, transgender, or intersex confinees in dedicated units, or wings based on such identification or status.*

As stated in 115.41, there is no documentation to affirm that risk assessments have been completed for confinees being housed in ECF. As such, there is no way to determine if these risk assessments are utilized for placement in housing, work, etc.

In order to come into compliance with this standard, the following information is to be provided.

1. A listing of all confinees housed in the ECF starting on February 19, 2020 including the date of arrival and the date of release, if applicable.

- Documentation for each confinee on the above-mentioned list explaining the use of the risk assessment information and how placements were determined.

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

115.43 (c)

- Does the facility assign confinees 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*)
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It is the policy of ECF to not place confinees at high risk for sexual victimization in involuntary segregated housing unless no other alternatives are available. ECF does have two segregation cells if protective custody measures are needed. As mentioned earlier in this report, the staff indicated that there has only been one time when more than one confinee at a time has been in the facility in the past year.

With that being noted, the NCOIC was familiar with the PREA Guidance document and that there was a procedure that would need to be followed and documented if involuntary protective custody measures were implemented.

The PREA Guidance document reads as follows regarding protective custody.

*"G. Protection of Confinees Facing Substantial Risk [C.F.R. 115.62, AFI 31-105 para 2.5.2.16.]
(3) Protective Custody [C.F.R. 115.43, AFI 31-105 para 5.5.5.]*

- (a) *Confinees 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 are no available alternative means of separation from likely abusers.*
- (b) *If the facility restricts access to programs, privileges, education or work opportunities, it documents in the blotter the opportunities that have been limited, the duration of the limitation and reasons for such limitations.*
- (c) *If an involuntary segregated housing assignment is made pursuant to this section, the facility will clearly document the basis for the facility's concern for the confinee's safety and the reason why no alternative means of separation can be arranged.*
- (d) *The facility assigns such confinees to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. Such an assignment shall not ordinarily exceed a period of (30) days.*
- (e) *Every (30) days, the facility affords each such confinee a review to determine whether there is a continuing need for separation from the general population.*

NOTE: Smaller Air Force Level I facilities with limited housing options must consider where confinees who may be at high risk for sexual abuse can be housed. In the absence of dedicated wings or a unit for high-risk confinees, small facilities can consider separating or segregating likely abusers, rather than likely victims.

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 confinees to privately report sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for confinees to privately report retaliation by other confinees or staff for reporting sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for confinees 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 confinees 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 confinees detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility *never* houses confinees detained solely for civil immigration purposes) Yes No NA

115.51 (c)

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

115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of confinees? 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.

The ECF provides multiple methods for confinees to report sexual abuse and sexual harassment. The PREA Guidance document provides the following information regarding confinee reporting.

5. **RESPONDING TO REPORTS OF SEXUAL ABUSE AND SEXUAL HARASSMENT**
[C.F.R. 115.51, AFI 31-105 para 2.5.1.2.1.]

To respond to reported incidents of sexual abuse, the 28 SFS have adopted and implemented the following processes:

A. Procedures for Reporting Sexual Abuse and Sexual Harassment
one Confinee Reporting

- (a) The CF provides multiple internal ways for confinees to privately report sexual abuse and sexual harassment, retaliation by other confinees or staff for reporting sexual abuse or sexual harassment, and staff neglect that may have contributed to such incidents. Confinnees may report concerns by reporting incidents directly to the Corrections staff, PREA compliance manager, or the confinee's chain of command.
- (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. Confinnees may report concerns by contacting the Ellsworth AFB Sexual Assault Prevention and Response office, the DOD Safe Helpline, the Area Defense Counsel or Chaplain.
- (c) Staff accepts reports made verbally, in writing, and anonymously. Staff promptly documents any verbal reports. A pamphlet will be given to all visitors with information on how to fill a report and who to fill a report with.

If a staff member receives a report of sexual abuse or sexual harassment from an confinee, the staff member must document all such reports as soon as possible after receiving them. All staff interviewed indicated that they are required to take all reports of sexual abuse whether they are anonymous or through a third person and refer them to the NCOIC who will then refer the reports for investigation.

During the onsite audit visit, this Auditor observed PREA information posted throughout the confinement facility with information on how to make a report if the confinee needed to.

Due to the rules and regulations of enlistment, no military personnel would be an unauthorized alien to the country. All military personnel must be United States citizens. As such, no confinees would be held solely on civil immigration purposes.

Standard 115.52: Exhaustion of administrative remedies

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

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not

ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. Yes No

115.52 (b)

- Does the agency permit confinees 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 confinees 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 confinees, staff members, family members, attorneys, and outside advocates, permitted to assist confinees 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 confinees? (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.

The ECF does have a grievance procedure. That procedure has been modified to be in compliance with the federal PREA standards. The staff indicated that they have not had any reports of sexual abuse documented through the grievance procedure. The PREA Guidance document reads as follows.

5. **RESPONDING TO REPORTS OF SEXUAL ABUSE AND SEXUAL HARASSMENT** [C.F.R. 115.51, AFI 31-105 para 2.5.1.2.1.]
- A. *Procedures for Reporting Sexual Abuse and Sexual Harassment:*
- one Confinee Reporting
- (2) Confinee Grievances [C.F.R. 115.52, AFI 31-105 para 2.5.1., 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 the staff member who is the subject of the complaint.*
 - (d) *IAW 28 CFR Part 115.52 (d)one, 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 provides 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 when the agency demonstrates that the confinee filed the grievance in bad faith.*

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

115.53 (b)

- Does the facility inform confinees, 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 confinees 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.

When an allegation of sexual abuse is reported to the staff of ECF, it is the responsibility of the NCOIC to ensure that information is provided to the alleged victim regarding rape crisis services that are available to them. Military personnel have the option of working with SAPR Office or accessing the services of the local civilian rape crisis center.

If an confinee is transported to the local civilian hospital for a forensic rape examination, the confinee should be offered the services of a local rape crisis center or SAPR, free of charge. If the confinee chooses to utilize either of these options, the NCOIC should make arrangements for the confinee to meet with the rape crisis center or SAPR staff.

The interviews with staff at the facility indicated that they have never had to make these accommodations as there have not been any allegations of sexual abuse at ECF. However, the facility was well aware of the services provided by the SAPR Office. They also had information about that office at the facility.

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

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The USAF provides reporting information to the general public via its website at <https://www.afsfc.af.mil/PREA>. The DoD Safe Helpline information is displayed prominently at the top of the PREA information page. The phone number is toll free, worldwide and operates 24/7. Further down the page, additional information is provided for any individual wishing to make a report about the specific information to provide during the reporting process if possible, such as, “*name of confinement facility of incident, name of victim(s), witnesses, perpetrators, date/time of incident, and any additional details.*”

Additionally, on the webpage, there is a link to a “Prison Rape Elimination Act (PREA) Third Party Incident Reporting Form”. This form can be downloaded and filled out. It contains instructions at the bottom of the form to email it or snail mail it to the PREA Coordinator of the Air Force. Phone numbers for the DoD Safe Helpline and Security Forces Center Operations Center are also listed on this form.

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 confinees 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 confinees 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 and procedures are in place to ensure that all staff are aware of their reporting duties if an confinee makes a report to them regarding sexual abuse or sexual harassment. Interviews with staff members indicated that know their responsibilities for ensuring that all allegations are reported to the NCOIC and these reports are to be documented as soon as possible.

The PREA Guidance document also indicates that staff with knowledge of an alleged sexual abuse or sexual harassment cannot share any information regarding the incident, except for with officials with the need to know to provide supportive and investigative services to the alleged victim.

As there are no medical or mental health staff employed at this confinement facility, these items do not apply to the Ellsworth Confinement Facility.

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

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Interviews with all staff members were clear that if they learn that an inmate is in imminent danger of being sexually abused, they must take measures to immediately remove that inmate from the alleged danger. If staff from B-DOCK received a report, that staff member would immediately notify the NCOIC. The NCOIC would then make the determination of how to handle the situation.

Staff interviews indicated that there is the ability to separate confinees by utilizing the segregation cells if needed. In more extreme cases, the facility could temporarily utilize the MOA with the Pennington County Sheriff’s Office to move one of the confinees until a more permanent solution could be found.

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.

The ECF has a process established by policy to ensure that all allegations regarding sexual abuse at another facility is referred to that facility within the required (72) hour time frame. The PREA Guidance document provides direction to staff regarding how to handle this information.

1. 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.*
- (b) In either case, document the notification, as appropriate. Instruct staff how to assist confinee(s) in gaining access to care and support services.*

As with other standards, the staff has indicated that they have had no reports of abuse at other confinement facilities. The NCOIC was familiar with the PREA Guidance document and would need to refer to it to ensure that all standards are being correctly implemented.

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.

During the interviews with staff, it was clear that staff had received information about the initial response and understood that information. The staff were able to articulate what they are required to do when the situation arises such as separate the alleged victim and perpetrator, notify the NCOIC, and/or PCM and preserve the crime scene until the appropriate steps are taken to collect any evidence that may be available.

The PREA Guidance document clearly articulates the procedures that are in place for the immediate response to an allegation. It reads as follows.

C. *Immediate Steps after Receiving Report [C.F.R. 115.64 and 115.82, AFMAN 31-115 para 2.5.]*

one 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 responders 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 practioners.*

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.

Again, the staff have not received any allegations of sexual abuse in the last year but staff were able to discuss this process.

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.

The Ellsworth Confinement Facility has a written coordinated response plan which has been referenced multiple times in this document. Staff are aware of the PREA Guidance document and utilize it, when necessary, as situations may arise.

Standard 115.66: Preservation of ability to protect confinees 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 confinees pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

The United States Air Force Security Forces does not have a union or other collective bargaining working within the system.

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 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? 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 confinees 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 confinees or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by confinees 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 confinees who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by confinees 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 confinees, 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.

The ECF has a policy in place to ensure that alleged victims of sexual abuse and individuals who report sexual abuse are monitored for retaliation by the PCM. As noted earlier in this report, the PCM was not available during this audit. However, the Major was interviewed and did know that there was a process to ensure that someone was not retaliated against for reporting. He was not able to describe specifics but knew where to find them. He did indicate that the PCM was more familiar with this process. The Form 2711 would be utilized to document this monitoring.

The PREA Guidance document outlines the steps to be taken by the PCM. The following information is included.

- G. *Protection of Confinees from Retaliation [C.F.R. 115.67, AFMAN 31-115 para 2.6.2.16.]*
 - one *28 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 act 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

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

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As noted in PREA Standard §115.43, ECF only utilizes involuntary protective custody when no other options are available. However, the facility has not had to implement this situation during the audit timeframe.

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

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As noted earlier in the report, no staff members at ECF conduct PREA investigations. All allegations, even third party and anonymous reports, are referred to AFOSI. The Air Force Office of Special Investigations is responsible for determining if the situation should result in a criminal investigation or not. AFOSI will make the determination of what entity will conduct the investigation into the allegation.

There is an AFOSI office located at Ellsworth AFB. These investigators do not fall under the purview of the confinement facility at Ellsworth. Therefore, they are not required to take specific PREA specialized training.

The PREA Guidance document discusses the criminal process and those criminal investigations are completed, even if the individuals involved are transferred to other bases, deployed, etc.

The Data Collection and Review section of the PREA Guidance document specifies the following.

7. **DATA COLLECTION AND REVIEW [C.F.R. 115.87]**

A. **Data Collection**

- (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.*

However, the PREA standard indicates that the agency must maintain this data for as long as the alleged abuser is incarcerated **or employed by the agency** plus five years.

This section of the PREA Guidance Document was required to be revised to include the underlined information and staff must be made aware of this policy change. This information is found on page 25 of the PREA Guidance document. This change has been made to the PREA Guidance Document.

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.

Upon review of the PREA Guidance document, information regarding the standard of evidence used in the determination of administrative investigations is included. The document reads as follows.

- “F. *Investigation of Incidents [C.F.R. 115.21(a)(b)(c)(f) and (h), 115.22, 115.71, 115.72, 115.73]*
- (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. Ellsworth AFB AFOSI does not impose a higher standard than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.*

Additionally, during the interview with the OSI investigator during the onsite audit visit, he was able to articulate the difference in the level of evidence required to substantiate a criminal vs. an administrative investigation.

Standard 115.73: Reporting to confinees

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

115.73 (a)

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

115.73 (b)

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

115.73 (c)

- Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate

has been released from custody, does the agency subsequently inform the inmate whenever:
The staff member is no longer posted within the inmate's unit? Yes No

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

115.73 (d)

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

115.73 (e)

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

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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As the facility has not had any allegations of sexual abuse and subsequent investigations, the staff at the facility have not had to use this standard. However, the staff is aware of the requirement to notify alleged victims of the outcome of cases and if criminal charges are filed and the outcome of both the administrative and criminal cases.

In reviewing the PREA Guidance document provided for the facility, this Auditor noted that there is an error in the policy related to this standard. It reads on page 20 as follows.

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

- (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.

According to the PREA standards, if the allegation is against a staff member, notification must be made not only when charges are filed against the staff member in relation to the sexual abuse incident, but also when the staff member has been convicted of the charge related to the sexual abuse in the facility. The guidance document is missing a portion of this standard.

Also, in relation to a situation where the abuser is a staff member, standards dictate that an alleged victim must be notified when an accused abuser is no longer employed by the facility. This portion is missing from the PREA guidance document.

Additionally, PREA standards indicate that notifications are to be provided to alleged victims unless the confinee is released from the agency's custody. If an confinee is transferred to another military correctional facility, the notification must still be made.

In order to come into compliance with this standard, the facility was required to revise the PREA guidance document in regard to the issues mentioned above. Staff will need to be advised of this change and how to apply it.

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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Ellsworth Confinement Facility does not tolerate abuse of confinees by staff members. All interviews with staff members were clear regarding this standard. Through discussions with the Major (Warden), NCOIC and national level personnel interviewed, it was clear there is zero tolerance for sexual abuse, no matter who the accused is, but especially by staff members.

The PREA Guidance document is also clear about the policies that would apply if abuse by a staff was substantiated, and the disciplinary actions are laid out in these policies. The document reads as follows.

- H. *Sanctions against Sexual Abusers When Allegations are Substantiated [C.F.R. 115.76, AFMAN 31-115 para 2.5.1.1.5.]*
one *Disciplinary Sanctions for Staff*
- (a) *Staff are subject to disciplinary actions for violating Air Force sexual abuse and 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.*

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

As noted earlier in this report, ECF does not have volunteers and contractors operating in its facility. Therefore, policy is not required for this section.

Standard 115.78: Disciplinary sanctions for confinees

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 confinees 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 confinees with similar histories? Yes No

115.78 (c)

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

115.78 (d)

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

115.78 (e)

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

115.78 (f)

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

115.78 (g)

- If the agency prohibits all sexual activity between confinees, does the agency always refrain from considering non-coercive sexual activity between confinees to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between confinees.) 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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If an investigation substantiates that an confinee is guilty of sexual abuse at ECF, disciplinary sanctions will be imposed upon that confinee. Staff interviews indicated that they were clear that sanctions would be imposed, but most were unclear about how those decisions were made and what was taken into consideration in that process.

Review of the PREA Guidance document showed that several pieces of PREA standard were not included. The document reads as follows.

- H. *Sanctions against Sexual Abusers When Allegations are Substantiated [C.F.R. 115.76, AFMAN 31-115 para 2.5.1.1.5.]*
- (2) *Disciplinary Sanctions for Confinees [C.F.R. 115.78, AFMAN 31-115 para 2.5.1.1.7.]*
- (a) *Confinees 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).*

Information was not included regarding the following items of the standard.

1. 115.78 (b) – Sanctions shall be 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.
2. 115.78 (c) – The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any should be imposed.
3. 115.78 (e) – The agency may discipline an inmate for sexual contact with a staff only upon a finding that the staff member did not consent to such contact.
4. 115.78 (f) – For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

5. 115.78 (g) – An agency may, in its discretion, prohibit all sexual activity between inmate and may discipline inmates for such activity. And agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

These five items were required to be incorporated into the PREA Guidance Document. These changes were already contained in the most recent PREA Compliance Document. The PREA Compliance Manager provided an outdated version of this document initially. This Auditor now has the most up to date version.

MEDICAL AND MENTAL CARE

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

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

115.81 (a)

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

115.81 (b)

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

115.81 (c)

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

115.81 (d)

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

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from confinees 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

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The Ellsworth Confinement Facility does not employ medical or mental health staff. If an confinee requires these services, they are taken to outside providers either on base or off base, depending upon the need of the confinee.

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

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As stated in §115.81, ECF does not employ medical or mental health staff members at the facility. However, they do have access to those services on the base or in the civilian community if there is an acute or urgent need.

The medical facility on base is only open during daytime hours. If there is a medical need for an confinee after hours, the confinee will be escorted to a nearby civilian hospital. If there is a need to a forensic medical examination, the alleged victim would be taken to the nearby civilian hospital, Monument Health Rapid City Hospital in Rapid City, SD.

Crisis intervention services should be provided to the alleged victim at the time they are taken to the hospital. Rape crisis center staff or SAPR staff should be notified, and those services offered to the alleged victim.

All services provided as a result of sexual abuse or sexual harassment are provided free of charge to the alleged victim, as noted in the PREA Guidance document. This information is found in the following location in the document.

5. *Responding to Reports of Sexual Abuse and Sexual Harassment [C.F.R. 115.51, AFMAN 31-115 para 2.5.]*
 - C. *Immediate Steps after Receiving Report [C.F.R. 115.64 and 115.82, AFMAN 31-115 para 2.5.]*
 - one *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.

- (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 action 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.

D. Medical and Mental Health Services

- one 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 judgement.
- (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.

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 confinees who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? Yes No

115.83 (b)

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

115.83 (c)

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

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be confinees who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be confinees who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*) Yes No NA

115.83 (f)

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

115.83 (g)

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

115.83 (h)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

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

As stated above, medical and mental health services are not provided at ECF. However, these services are made available to the alleged victim of sexual abuse. As noted in §115.81, emergency medical and follow up services are available to the alleged victim, free of charge.

Once the initial crisis services are provided and if follow up mental health services are required, the NCOIC will coordinate the facilitation of those services for the confinee.

Information and direction for staff is provided in the PREA Guidance document.

5. *Responding to Reports of Sexual Abuse and Sexual Harassment [C.F.R. 115.51, AFMAN 31-115 para 2.5.]*

D. *Medical and Mental Health Services*

- one *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 judgement.*
- (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) *Confinee 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.*

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)one - (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.

The Ellsworth Confinement Facility would require that following the conclusion of an investigation of sexual abuse at its facility, the staff conduct a Sexual Abuse Incident Review (SAIR). The agency level PREA Coordinator has developed a template/form (Security Forces PREA Sexual Abuse Incident Review Checklist) for the facility to utilize when conducting these reviews. As noted, the facility has not had a sexual abuse investigation and therefore has not utilized this process.

The PREA Guidance document does provide direction to the staff members at the facility on how to conduct this review. The PREA Coordinator for the USAF will also be available for assistance with this process when the facility has to implement it. Staff interviews indicated that they would follow the direction of the PREA Coordinator.

The PREA Guidance document outlines this process as follows.

- F. *Investigations of Incidents [C.F.R. 115.21(a)(b)(c)(f) and (h), 115.22, 115.71, 115.72, 115.73]*
 - (5) *Sexual Abuse Incident Reviews [C.F.R. 115.86, AFMAN 31-115 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 DFC's designated rep and include squadron leadership with input from investigators and medical or mental health practitioners.*
 - (d) *The review team's actions include:*
 - *Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse*
 - *Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, intersex identification, status, perceived status, gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility*
 - *Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse*
 - *Assess the adequacy of staffing levels in that area during different shifts*
 - *The CF implements the review team's recommendations for improvement, or documents its reasons for not doing so*
 - *Prepare and promptly forward all incident reports, investigation reports and sexual abuse incident reviews to the DRF, PREA Compliance Manager and the Air Force PREA Coordinator at the AFSFC 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.*

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 confinees? (N/A if agency does not contract for the confinement of its confinees.) 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.

It is the responsibility of the PREA Compliance Manager to ensure that all documentation is provided to the Air Force PREA Coordinator. The PCM is to utilize the standardized PREA Response Checklist located on the SF SMARTnet to ensure that all supporting documentation is provided to the PREA Coordinator at the conclusion of any sexual abuse incident reviews.

Outside of those reviews, sexual abuse data is submitted once a year to the Air Force PREA Coordinator in order for him to complete the Survey of Sexual Violence (SSV) requested by the Department of Justice. This aggregate data is collected on a standardized template located on the SF SMARTnet. This template contains the following questions to be answered by each facility.

- Confinee-on-Confinee allegations of Nonconsensual Sexual Acts
- Confinee-on-Confinee allegations of Abusive Sexual Contact
- Staff-on-confinee allegations of Staff Sexual Misconduct
- Staff-on-confinee allegations of Sexual Harassment

The PREA Guidance document outlines this information in *Section 7. Data Collection and Review [C.F.R. 115.87]*.

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.

It is the responsibility of the unit PCM to collect PREA data for the calendar year and prepare it, in collaboration with senior leadership, to send to the Air Force PREA Coordinator. The PREA Guidance document provides specific direction to ECF staff and senior leadership regarding the collection and compilation of data. According to this document the following should occur.

7. *Data Collection and Review [C.F.R. 115.87]*

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

- one *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 finding and corrective actions for the facility*
- (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.*
- (3) *The unit's report is approved by the DFC and made readily available to the public on the Air Force website.*
- (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.*

The Air Force PREA Coordinator then takes that information from all correctional facilities and compiles it into one report for the Air Force. These annual reports compiled by the Air Force PREA Coordinator can be found on the agency's PREA webpage located at <https://www.afsfc.af.mil/PREA/> PREA annual reports are available for review for the years 2016 through 2020.

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.

The Air Force takes great care to secure the information regarding sexual abuse and sexual harassment investigations and other related data. The USAF has a secure system where all information is stored to ensure that it is no personal information is available to the public. Sensitive information provided to this Auditor was sent through secure means to protect data and information.

Additionally, this Auditor noted while conducting the onsite audit visit that when staff sat down at a computer terminal to retrieve data, the computer was password protected and must be re-entered each time.

Aggregated, incident-based data is maintained for a period of (10) years after the date of the initial collection unless Federal, State or local law requires otherwise. This policy was verified through the interview with the Air Force PREA Coordinator.

The staff were diligent in compiling reports that did not include any personal data or identifiers. This Auditor reviewed several public reports, and none included any personal data or identifiers.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

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

115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (*Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.*) Yes No

115.401 (b)

- Is this the first year of the current audit cycle? (*Note: a "no" response does not impact overall compliance with this standard.*) Yes No
- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is **not** the *second* year of the current audit cycle.) Yes No NA
- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is **not** the *third* year of the current audit cycle.) Yes No NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?
 Yes No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? Yes No

115.401 (m)

- Was the auditor permitted to conduct private interviews with confinees, residents, and detainees? Yes No

115.401 (n)

- Were confinees 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.

The facility was clean and in good condition. Staff were friendly, helpful and open to suggestions when provided. The facility ensured that private spaces were available to conduct interviews with staff members. As noted in the methodology section, there were no confinees incarcerated at the time of the onsite audit visit.

All requests for information before, during and after the onsite audit visit have been answered quickly. And the information provided during the pre-audit phase was helpful.

Confinees, if any were housed at the facility, would have been permitted to send confidential mail to this Auditor. Audit notices with the confidential mailing address were posted throughout the facility when this Auditor arrived.

Standard 115.403: Audit contents and findings

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

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

All facility audit reports can be found at the following website address. <https://www.afsfc.af.mil/PREA/>
These facility audits include the following as of this date.

- Wright Patterson Final Audit Report
- Vandenberg Final Audit Report
- Barksdale Final Audit Report
- Davis-Monthan Final Audit Report
- JBSA-Lackland Final Audit Report
- Minot Final Audit Report
- Scott Final Audit Report
- Nellis Final Audit Report
- Malmstrom Final Audit Report
- Whiteman Final Audit Report
- F.E. Warren Final Audit Report
- Little Rock Final Audit Report
- Cannon Final Audit Report
- Hanscom Final Audit Report

AUDITOR CERTIFICATION

I certify that:

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

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Jennifer L. Feicht _____

October 21, 2021 _____

Auditor Signature

Date

¹ See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110>.

² See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.