

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



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

Name of facility:	United States Disciplinary Barracks		
Physical address:	1301 N. Warehouse Rd, Fort Leavenworth, KS 66027-2304		
Date report submitted:	May 1, 2015		
Auditor Information			
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Date of facility visit:	October 21-23, 2014		
Facility Information			
Facility mailing address: <i>(if different from above)</i>			
Telephone number:	913-758-3602		
The facility is:	<input checked="" type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
Facility Type:	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
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Governing authority or parent agency: <i>(if applicable)</i>			
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AUDIT FINDINGS

NARRATIVE:

The United States Disciplinary Barracks (USDB) is located on Fort Leavenworth, Kansas, approximately 23 miles from Kansas City International Airport, Missouri. Fort Leavenworth overlooks the Missouri River, on the border between Kansas and Missouri and is adjacent to the city of Leavenworth, Kansas on Highway 7.

The USDB is operated by the United States Army and is the only maximum-security correctional facility in the Department of Defense. The mission of the USDB is to incarcerate U.S. Military prisoners sentenced to long terms of confinement; conduct correctional and treatment programs to maintain good order and discipline; and to prepare prisoners for release as civilians or for return to duty with the prospect of being productive Soldiers. On order, conduct execution of condemned U.S. Military prisoners. All sections of the USDB are directed toward the achievement of this mission, with particular attention devoted to the individual inmate and administering treatment according to his individual needs.

The facility consists of approximately 37 acres and 12 buildings, including four buildings inside the double perimeter fence. The interior 12-foot metal fabric fence is topped with six strands of barbed wire on a breakaway frame and is equipped with an Intrusion Detection System (IDS) with automatic closed-circuit television camera call-up to assess each alarm. The exterior 14-foot fence has four rows of razor ribbon. The perimeter is monitored by an armed security patrol. The vehicle sally port operates 6:45 a.m. to 4:45 p.m., Monday through Friday. The only other breach in the perimeter security is through the administration building. This permits pedestrian entry and exit 24 hours a day, seven days a week.

The main doors open into an area known as the Lower Foyer. This area contains the office of the Commandant and her staff, the Directorate of Inmate Administration and the Information Systems Security Offices. The staff maintains inmate correctional treatment files, victim/witness information, visitation records, and computer technology.

From the Lower Foyer a staircase or an elevator gains access to the Upper Foyer. The Upper Foyer contains public lockers to secure items during visitation and for staff. A security desk is located at the west end of the foyer, adjacent to Central Control. The staff checks identification of persons entering the facility and issue temporary badges as needed. Staff badges are scanned using the Gates Program to further enhance identification procedures and for accountability of staff in the event of an emergency.

Inmate visitors are processed at this location and gain access to the visitation room to the left of the security desk. To the right of the security desk is a short hallway, which contains

the Key Watcher II system. Staff can check out facility keys without hindering the operation of Central Control. The Directorate of Operations is located in this area and contains administrative offices as well as the Key Room, Evidence Room, Radio Room and Investigations.

Entrance to the secure area is through a set of double doors operated by Central Control. Central Control has approximately five panels that operate various doors within the facility. Central Control is responsible for maintaining the daily blotter, verifying all scheduled and unscheduled counts. Central Control monitors the Personal Alarm Locator System, implements all Emergency Action Plans, monitors the Intruder Detection System (IDS) and the Fire Alarm system for the entire facility.

Once inside the secure area, you see the main hallway of the facility. The first door to the left is the visitation room, which contains contact and non-contact areas. Chairs, tables, vending machines, and board games are available for use by the visitors. Central Control has an unobstructed view of the visitation room and a security desk is occupied during visitation hours. The noncontact booths are located at the west end of the room. Maximum custody inmates gain access to the booth without leaving the Special Housing Unit (SHU).

The first door to the right in the main hallway contains the offices of the Command Judge Advocate (CJA), Disciplinary and Adjustment Boards (D&A Bds), Air Force, Marine, and Navy Liaisons, and the parole staff. The area is a horseshoe design with offices on either side of the hallway, which leads back to the main hallway. Private telephone rooms are located here for inmate/attorney contact as well as the board room, which holds the Disposition Boards and D&A Bds.

Continuing down the main hallway the offices of the Directorate of Treatment Programs (DTP) is on the right. Numerous single person offices are provided to maintain privacy when staff counsels inmates. Group treatment rooms are also available.

The SHU can be found on the left side of the main hallway. The SHU is divided into sub-units. SHU East contains four distinct housing units: Death Sentence Inmates; Special Quarters; and two Maximum Custody areas. SHU West contains three distinct housing units: Maximum Custody, Protective Custody and Reception areas. SHU East and SHU West are separated by secure doors, which lead to the outside SHU exercise area. Both SHU East and SHU West have a control room and inside exercise areas. Administrative areas for SHU staff and additional DTP staff are located adjacent to the Units.

The next area to the right in the main hallway is the Health and Dental Clinics. Rooms are available for examinations, X-rays, physical therapy, hearing and eye exams, and medication issue as well as office space.

On the left side of the main hallway is the Inmate Services Branch (ISB). Incoming and outgoing mail is processed and personal inmate accounts are maintained.

The next section of the hallway contains three classrooms. Academic and religious programs share this space. These classrooms are also used for staff training. The Directorate of Pastoral Care (DPC) is located down a short hallway on the left. Space is available for religious services, administrative offices and a media room for spiritual self-growth. The Academic section and Library is located in the next hallway to the left. The library contains both leisure books and a law library.

Back in the main hallway the gymnasium, weight room and music room are located on the right. The gym contains a full size court suitable for basketball, volleyball or handball. Equipment for both indoor and outdoor recreation is issued from this area.

Having reached the end of the main hallway, a hallway extends to the left and to the right. The hallway to the left leads to the vocational/industry shops and the loading dock at the rear of the facility. The hallway to the right leads to the Dining Facility (DFAC), Craft Shop and access to the general population housing units. Staff at a security post monitors inmate movement in this hallway.

There are three general population housing units. Each is designed as a bowtie with 140 single cells arranged linearly on the outer wall. The bowtie is divided into two housing units separated by an enclosed control center. Each cell consists of a bed, toilet, sink with hot and cold running water, locker, desk, chair, and storage bin. There are individual showers in each housing unit. A large day room is in the center of the housing unit and equipped with televisions, tables and chairs, and indoor recreation equipment. Rooms are available for group meetings and administrative offices. The housing units are arranged on the perimeter of the recreation field, which includes a multi-purpose field, for soccer and flag football, a running track, weight lifting area, and basketball courts.

Located at the rear of the facility is the vehicle gate for deliveries to the vocational/industry areas as well as the DFAC. The power plant is located west of the facility outside the secure fence line. Southwest of the vehicle gate is a warehouse used by the Textile Repair Shop. Located approximately one mile from the USDB, adjacent to the Joint Regional Correctional Facility is the Supply Warehouse. This building receives all food deliveries, which is stored in temperature-controlled units. Excess clothing and the Health and Comfort items are also stored for distribution to both facilities.

The Trusty Unit (TU) is located approximately one and one quarter miles southeast of the facility. Inmates assigned to this unit are housed in a two-story structure with open bays divided into individual sleeping areas. One bay in the housing unit contains exercise equipment and a library. The administrative building at the TU contains visitation, barber services and the administrative staff area.

SUMMARY OF AUDIT FINDINGS:

During the visit the auditor conducted ten random inmate interviews, two random inmate interview from a list that included potential "victims" based on criteria from the Intake Screening Tool, two inmates that alleged sexual abuse, one transgender inmate, 12 random staff, and all specialized staff as outlined in the Bureau of Justice Assistance documents. The inmates and staff at the USDB were well aware of PREA and the zero tolerance policy of the Agency. Inmates questioned were knowledgeable about how and where to report sexual abuse and sexual harassment. They all indicated they had received written information either on their arrival or on their housing units for those that have been at the facility for a considerable amount of time. All staff at the USDB is trained to be first responders. Staff members were well versed on their responsibilities in reporting sexual assaults and suspected sexual abuse and responding. When questioned about evidence preservation and medical considerations, staff responses reflected agency and local policy. Informational posters were viewed throughout the facility.

The Army Criminal Investigation Division (CID) handles all allegations of sexual abuse, as defined in the USDB Policy 15th Military Police Brigade Regulation 1-2. Sexual Harassment

investigations are handled by the facility Military Police Investigative unit. Both groups of investigators receive the same additional specialized PREA investigation training and have an exceptional working relationship. During the review period, the institution had 10 allegations of sexual abuse and 3 cases of sexual harassment. With regard to the sexual abuse allegations, seven (7) of these allegations involved inmates alleging abuse by a staff member and three (3) involved inmate allegations against another inmate. Of the seven sexual abuse allegations made against staff, six (6) were unfounded and one (1) is still under investigation. Of the three (3) sexual abuse allegations made against another inmate two (2) were unfounded and one (1) is still under investigation. Of the three allegations made by prisoners against staff, two were unsubstantiated with one still under investigation. Of the three sexual harassment allegations two (2) were against staff and one (1) was against another inmate. The two (2) against staff were unfounded and the one (1) against the other inmate was unsubstantiated. The facility had no cases that originated at another institution requiring the Commandant to contact another facility.

What was interesting and requires being noted is the high profile transgender inmate housed at the USDB. What makes this noteworthy has nothing to do with the inmates' gender identity. This inmate had a highly visible crime and trial. Most people in the Correction business fear getting such a high profile inmate like this inmate. It can create terrible management issues, as most other inmates dislike someone found guilty of the crime this inmate was found guilty of. In typical correctional settings this inmate would be kept in the Protective Custody unit and not housed in general population. When you factor this and the potential for victimization due to inmates' transgender identity I was truly initially surprised seeing this inmate in general population living and working. Once I was there at the USDB and talked to line staff, supervisors, clinicians, executive staff and the inmate, it was clear why this inmate exists in population without issues. The USDB is very safe and secure, movement is strictly controlled and staff remains highly motivated to provide a safe environment for everyone. During my interview with this inmate I was told how safe the facility was and did not want to be transferred anywhere else. The inmate further stated the treatment by the staff and medical and mental clinicians was excellent. The fact this inmate lives and works in general population speaks volumes about the staff!

Number of standards exceeded:	8
Number of standards met:	33
Number of standards not met:	0
Non-applicable:	2

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

XX Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Army Corrections Command (Agency) Policy #31 and the USDB Policy 15th Military Police Brigade Regulation 1-2 mandates zero tolerance toward all forms of sexual abuse and sexual harassment and outlines in detail how the USDB works toward preventing, detecting, and responding to any such conduct. The facility does not just cut and paste the standards requirements into a policy but goes into detail what is expected and how to accomplish it and what happens if the policy is not followed. In the over 30 interviews conducted with staff, each were well aware of the policy and their responsibility.

Interviews conducted on both the agency PREA Coordinator and the facility PREA Manager indicated each has sufficient time to coordinate efforts to comply with the Agency Policy.

Larry Kester is the PREA Coordinator for the agency. He has direct access to the agency Director and meets regularly with him to discuss PREA matters. Larry has an understanding of the standards and the audit process. He acknowledged that he has sufficient time to dedicate to his responsibilities ensuring PREA standards are followed and concerns in the field are addressed.

Theresa Grenier has the position of PREA Manager at the USDB. She is very knowledgeable about the PREA standards and the process, and is a PREA auditor. Because of this she made for a smooth site visit for the auditor. Her interview confirmed that she has sufficient time to perform her PREA duties and emphasized her commitment to the entire PREA operation.

DoD and the Army formed PREA working groups to ensure its facilities implement PREA. The Army working group meets quarterly (at a minimum) to develop and standardize training, screening, policies, outside support and agreements; and works issues and new interpretations from the PREA website FAQs. It is a multidiscipline workgroup that includes the PREA Coordinator, PREA Managers from each facility, medical and mental health staff, and Army Corrections Oversight office.

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

This Standard does not apply as the USDB does not contract with other entities for the confinement of Inmates.

§115.13 – Supervision and Monitoring

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB has a staffing plan that requires that the facility look at and take into account items such as; generally accepted detention practices, physical plant, inmate population and prevalence of substantiated and unsubstantiated sexual abuse allegations. The PREA Coordinator indicated he was personally involved when reviewing staffing requirements and appropriate numbers of assigned staff. The PREA Coordinator annually reviews the facility staffing taking into accounts recommendations from the Commandant and Deputy Commandant. Because this is the Military, under normal circumstances if a soldier is sick there is another soldier filling in. However during conflicts, staffing levels may drop with critical post still maintained. Any deviations would be forwarded to the Deputy Commandant and Commandant. Mid-level supervisors indicated during interviews that frequent unannounced rounds are made on all shifts.

§115.14 – Youthful Inmates

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB does not house youthful inmates. In order to enter into Military Service you have to be at least 17 years of age. If a 17 year old enters pretrial confinement, the Soldier would be designated to be housed as the Midwest Joint Regional Correctional Facility. The facility designated to house youthful inmates. If a soldier is convicted of a crime with a long sentence length, he would remain at the MWJRCF until he attained the age of 18. The Army Corrections Command has a policy (# 35) that is in compliance with all aspects of this standard.

§115.15 – Limits to Cross-Gender Viewing and Searches

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

General Population Housing Units have "saloon" style doors on the showers. The tops of these doors need to be heightened to provide privacy to inmates showering. Cross gender viewing is possible during normal rounds. Because there are second floors in each of the housing units female staff can view male inmates in the first floor showers. The showers in Special Housing have the steel mesh doors on them permitting cross gender viewing as well. During the 180-day corrective action period the institution placed coverings in the wire mesh doors in SHU and they secured a contract adding shower curtains above the shower doors in general population. The facility provided documentation and photographs to the auditor demonstrating cross gender viewing is not possible in either of these areas.

There have been no incidents of cross gender body searches or viewing at the USDB. Should an exigent circumstance exist a logbook is maintained detailing: the circumstances requiring the search, the exigent circumstance requiring the cross gender search, the name of the person who conducted it and name of the staff member who authorized it. By policy, females are not allowed to pat search male inmates. They are allowed to use the wand to conduct searches. Agency and facility policy also prohibits staff from frisking transgender and intersex inmates for the purpose of determining genitalia status. Interviews confirmed staff was well aware of these policy prohibitions. The in-service training lesson plans also reinforced these specific policies in the annual training. All staff has received training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner.

Female staff announces each time they enter into the housing units unless there is a female already assigned there. The auditor observed this during the visit and inmates that were formally interviewed and those questioned during the tour did acknowledge that female staff announces each time they enter the housing units.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

All military personnel must be proficient in English as a condition of joining any branch of service. The USDB ensures that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The auditor interviewed an inmate who was hard of hearing about his ability to participate and benefit in all aspects of PREA. He indicated he felt he was afforded the same opportunities that every other inmate received. He indicated that staff did everything possible to provide him with information on PREA reporting.

§115.17 – Hiring and Promotion Decisions

XX Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB ensures that every person who enters the facility as an employee, contractor or volunteer receives a background check. Anyone convicted of, or adjudicated of a sexual assault/abuse will not be promoted or even hired at the facility. It also considers any incidents of sexual harassment prior to hiring or promoting anyone. This is stipulated in policy 15th Military Police Brigade Regulation 1-2 and was confirmed in the interview with the HR staff. Every new hire fills out a form disclosing any convictions, civil or administratively adjudicated for sexual abuse/sexual harassment. The facility has a practice of posting on all job announcements that anyone who has engaged in sexual abuse or has been convicted of

engaging or attempting to engage in sexual activity facilitated by force or coercion or if the victim did not consent or was unable to consent or refused or has been civilly or administratively adjudicated to have engaged in sexual activity as described above shall not be hired or promoted.

§115.18 – Upgrades to Facilities and Technology

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Army Corrections Command considers the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse. This was confirmed in the interview with the Deputy Director. The Military Correctional Complex Policy #15 (Security Technology Working Group) purpose is to identify and screen new security related technologies and equipment for potential use at the USDB. In March of 2014, an assessment of the Closed Circuit Television (CCTV) system was done. As a result of this assessment the USDB will receive a complete Electronic Security System (ESS) upgrade in 2015. There are currently 130 cameras strategically placed throughout the facility. The new upgrade will increase the cameras by an additional 45. The PREA Manager at the facility was included in the assessment process.

§115.21 – Evidence Protocol and Forensic Medical Examinations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Army Criminal Investigation Command (CID) handles all allegations of sexual abuse while all allegations of sexual harassment are handled by the facility Military Police Investigators (MPI). The MPI and the CID detailed, during interviews, how the facility utilizes protocols adapted by recent DOJ National Protocol for Sexual Assault Medical Forensic Examinations.

St. Luke's Cushing Hospital performs the forensic exams for the USDB. Inmates that are victims of sexual assault are offered access to forensic exams at no cost. The hospital has not been used during the review period. These exams when performed are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) whenever possible. If SAFEs or SANEs staff are not available, the examination is performed by a qualified medical practitioner.

The Munson Army Health Center Victim Advocate is the community advocacy group that the facility has an MOU. The interview with the CID Special Agent confirmed that the advocate is allowed to be present during the investigative process.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB requires all staff to report any and all allegations of sexual abuse and sexual harassment. The staff that was interviewed during the site visit confirmed this policy. The USDB has an extremely cooperative working relationship with the Army Criminal Investigations Command (CID). Both the MPI staff and the Special Agents with the Army CID receive the same PREA training. Both set of investigators ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The MPI staff indicated that a case investigation is immediately initiated upon being notified and the Special Agent indicated they are required to have a case initiated within one hour of receiving notice. As previously indicated the Army CID handles all cases alleging sexual abuse as a criminal case and the MPI staff at the facility handles sexual harassment allegations. The Agency Investigation Policy is readily available on the Army web site.

§115.31 – Employee Training

X Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

All staff at the USDB has been trained on the Agency policy of zero tolerance and instructed about their responsibilities to fulfill their obligations including how to conduct a search of a transgendered or intersex inmate. Every staff member is trained as a first responder and all carry a credit card sized "PREA responder" card with their responsibilities outlined. Interviews of the random staff and general questions asked during the tour clearly indicated each staff member understands all policy aspects of the Agency Zero Tolerance of Sexual Abuse and the proper procedures responding to allegations of sexual abuse and sexual harassment. The training record indicated all staff at the USDB has received the mandatory PREA training. The facility requires all staff receive annual refresher training instead of every two years as required by the standard.

§115.32– Volunteer and Contractor Training

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

All contractors and volunteers at the USDB receive PREA training prior to assuming their responsibilities. The auditor reviewed training records in which they signed acknowledging understanding the training. Interviews conducted with a contractor and a volunteer detailed the training they received including the consequences for any violation to the policy.

§115.33 – Inmate Education

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Upon arrival in the receiving area of the USDB inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment both verbally and in writing. All inmates received at the USDB are placed on the Reception housing unit and within 30 days the staff on the unit provides comprehensive education to the inmates in person and video regarding their rights to be free from sexual abuse and sexual harassment and retaliation for reporting such incidents. There were no new arrivals during the site visit. Interviews with the intake staff and interviews with inmates confirmed that information is provided both verbally and in writing and the information once provided allowed for questioning. The facility provided documentation on those inmates, who arrived at the facility prior to the institution implementing PREA. The inmates signed that they received PREA training.

§115.34 – Specialized Training: Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The facility MP Investigator and the CID Agents receive similar PREA investigation training. This training insures that all administrative and criminal investigations are properly done to insure that confirmed allegations are not lost due to poor communication between Investigators. The auditor verified training records and certificates documenting these investigators received this additional training. The training included techniques for interviewing sexual abuse victims in confine settings, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The CID Agent indicated in his interview that the facility is kept abreast of every facet of the case.

§115.35 – Specialized training: Medical and mental health care

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

All the Medical and Mental Health staff currently working at the USDB has taken specialized training over and above the mandatory staff PREA training. This specialized training covered: how to detect and access signs of sexual abuse and sexual harassment, how to preserve evidence, how to respond to victims and how and to whom to report incidents. Interviews with medical and mental health staff confirmed this specialized training was received. Training records also reflect all full and part time medical and mental health staff has received this specialized training.

§115.41 – Screening for Risk of Victimization and Abusiveness

X Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The intake process and risk assessment process is impressive to say the least. The primary function and concern for the staff responsible for this task is identifying inmates who may be at risk of victimization and inmates who have perpetrated abuse. Then once identified, monitoring them in general population to the extent possible. The facility utilizes two forms, Screening for Sexual Abusive Behavior and Screening for Potential Sexual Victimization, to help identify those who may be at risk and those with abusive behavior. A Mental Health Technician completes these screening forms on every inmate at the USDB. The Technician asks: 1) Whether the inmate has a mental, physical, or developmental disability; (2) The age of the inmate; (3) the physical build of the inmate; (4) Whether the inmate has previously been incarcerated. (5) Whether the inmate's criminal history is exclusively nonviolent; (6) Whether the inmate has prior convictions for sex offenses against an adult or child;(7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) Whether the inmate has previously experienced sexual victimization; (9) the inmate's own perception of vulnerability; and (10) whether the inmate is detained solely for civil immigration purposes. The technician reviews available records for criminal history and also determines if the inmate is perceived to be gender nonconforming. This form assigns points to responses to certain questions. A numerical score and/or answers to specific questions determine if an inmate is at average risk, above average risk, or at high risk of victimization. What is extremely impressive is the Mental Health Department is collecting data and evaluating this process to gauge its' effectiveness in determining identifying inmates at risk. There were no intakes during the site visit but the auditor confirmed the process with the intake staff and Psychologist.

§115.42 – Use of Screening Information

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The auditor interviewed members of the intake staff and Mental Health Staff to question them on how the screening forms; Screening for Sexual Abusive Behavior and Screening for Potential Sexual Victimization are used to determine work/housing and education assignments. The placement of transgendered and/or intersex inmates is done only after a careful review of the case. The agency has a committee that reviews any recommendations to move a transgender or intersex inmate to a male or female facility. It should be noted that the USDB has a high profile transgender inmate assigned to the facility. The crime alone, that put him in prison, would be cause for protective custody placement under most circumstances. What is remarkable is the inmate is maintained in general population with a full time job and his interview revealed he enjoyed the facility and had no concern for his safety or his treatment. The inmate further stated he would not like to ever be transferred from the DB. Transgender/Intersex inmates receive a face-to-face review at least monthly where their program assignment, work assignment, discipline record as well as their views with respect to their safety is questioned.

Additionally, inmates who are identified as at high risk for perpetration or victimization are monitored through a weekly meeting, to ensure inmates are not assigned to work, housing or education assignments in a manner that might increase their propensity for abuse.

§115.43 – Protective Custody

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB Policy 15th Military Police Brigade Regulation 1-2 prohibits the facility from placing inmates at high risk of victimization in involuntary segregation unless there is no alternative available. The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. If placed there, inmates must be provided programs, privileges, education and work or document why they didn't. Interviews with the Deputy Commandant, Segregation Supervisor and Segregation line staff all indicated that segregation has not been used during the last 12 months to house inmates at high risk for victimization.

§115.51 – Inmate Reporting

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Department of Defense sexual assault policy covers every service personnel including prisoners. The policy allows prisoners to make either a restricted or unrestricted report of sexual abuse or sexual harassment through the DoD Safe Help Line. If the prisoner makes a restricted report/allegation of sexual abuse the agency officials are not notified as required by the standard.

During the 180 corrective action period an OSD (P&R) letter was issued, clarifying the reporting policy outlined by the DoD. The prisoner can make an unrestricted report (providing all information including his/her name) or an anonymous report (without disclosing his/her name). Prisoners are no longer authorized to make a restricted report. The Army decided to shift from using the DoD Safe Help Line to receive reports and is now utilizing the Assistant Deputy (Corrections Oversight) as the entity not part of Army Corrections Command (agency). Prisoners can confidentially write to the Assistant Deputy (Corrections Oversight) any allegations of sexual abuse and sexual harassment, and the office will immediately email both the agency (Army Corrections Command) and the respective Army facility. It was determined to use this office due to the DoD Safe Help Line could not take allegations of sexual harassment and other issues with using help line staff at Fort Leavenworth. The Army continues to work reemploying using the safe helpline in the future if it can meet all PREA requirements. Posters providing the information for reporting to Assistant Deputy (Corrections Oversight) have been posted, interview of the Assistant

Deputy (Corrections Oversight) who understands PREA and that prisoners can make an unrestricted or an anonymous report has been completed. The DoD does still provide emotional support over the phone.

§115.52 – Exhaustion of Administrative Remedies

This standard is non applicable as The USDB does not have administrative procedures to address inmate grievances regarding sexual abuse.

§115.53 – Inmate Access to Outside Confidential Support Services

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB provides inmates with access to outside victim advocates through the Department of Defense and the Munson Army Health Center Victim Advocate. Inmates may make confidential phone calls for emotional support services to either of these agencies. There is a signed MOU with Munson dated September 22, 2014. Prisoner interviews confirmed they were informed and know of the confidential support services provided by the facility. Phone numbers are provided to the prisoner on posters in the housing units and in the prisoner PREA intake Information Sheet.

§115.54 – Third-Party Reporting

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB has multiple methods to receive third-party reports of sexual abuse and sexual harassment. A list of contact phone numbers (to include two outside agencies including the Assistant Deputy (Corrections Oversight)) is posted on the Army Corrections Command Website, each of these numbers report immediately to the institution allegations of sexual assault or sexual harassment. The facility also sends an arrival letter to the individual the inmates has listed as his contact letting them know he has arrived safely to the USDB and a brief synopsis of visit time and rules. The letter also has a paragraph stating the facility zero tolerance of sexual abuse and sexual harassment. It further details the Sexual Harassment/Assault Response Program (SHARP) and provides the letter recipient with the Department of Defense hotline phone number to report allegations of sexual abuse and/or sexual harassment on behalf of the inmate. Interviews with the random inmates indicated that they were aware of third party reporting.

§115.61 – Staff and Agency Reporting Duties

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB policy (15th Military Police Brigade Regulation 1-2) requires all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility. They are also required to report any suspicion or knowledge of retaliation against inmates or staff who reported such an incident as well any action or lack of action by staff that may have contributed to any incident or retaliation. Interviews with all staff confirmed this obligation and their responsibility to keep the information they may have received confidential except for investigative disclosure.

§115.62 – Agency Protection Duties

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

15th Military Police Brigade Regulation 1-2 requires all staff to take immediate action to protect any inmate they learn may be subject to substantial risk of victimization. Interviews with random staff and specialized staff demonstrate they know the immediate steps to take to protect an inmate subject to risks of imminent sexual abuse. In each interview safety of the inmate was the primary concern of staff, by removing the inmate from the area of alleged harm.

§115.63 – Reporting to Other Confinement Facilities

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires the USDB Commandant, upon receiving an allegation that an inmate was sexually abused while confined at another facility, notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. This notification is to be done immediately upon knowledge of the allegation, but no later than 72 hours. Notifications are documented by Memorandum for Record (MFR) and are sent via electronic mail to the head of the facility or appropriate office of the agency. There have been no allegations made during the last twelve months.

§115.64 – Staff First Responder Duties

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires all staff upon learning of an allegation that an inmate was sexually abused separate the alleged victim and abuser; preserve and protect any crime scene; if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence. All staff are trained as first responders and as previously noted each carries a card with duties and responsibilities when responding. During interviews with line staff, supervisors and Executive staff they all were aware of their responsibilities and duties when responding to allegation of sexual assault.

§115.65 – Coordinated Response

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 Appendix D is the written institutional plan that coordinates actions among staff first responders, medical and mental health, practitioners, investigators, and facility leadership in response to an incident of sexual abuse. Interviews with the staff involved with this coordinated effort confirmed their knowledge of the policy and involvement in the process

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The USDB has no collective bargaining agreement entered into or renewed since August 2012 that limits their ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. This was confirmed with the Deputy Director interview and the Deputy Commandant interview.

§115.67 – Agency protection against retaliation

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 describes the policy and practice to be followed to ensure that there is no retaliation against any inmate or staff member who

reported sexual abuse or sexual harassment. The Lieutenant Colonel over Health Service is the staff member charged to insure compliance to this policy. Through a committee he chairs, monitoring retaliation is conducted up to 90 days but beyond if the committee feels the situation requires it. The committee is comprised of senior leaders, investigators, an attorney, and the PREA Compliance Manager. Inmates involved in an incident are contacted weekly by Behavioral Health Care and is documented in the mental health care record, who then report to the committee chair. Leadership from the areas of inmate employment report on any potential issues with the inmate assigned jobs and the investigators report on the status of the investigation and any known disciplinary reports or intelligence received. Civilian employees are monitored weekly by the PREA Compliance Manager and Soldiers are monitored by their Battalion to look at performance reviews or reassignments and shift changes. The committee meets following a reported incident and bi-weekly until no longer required.

§115.68 – Post-Allegation Protective Custody

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

As indicated in standard 115.43, The USDB Policy 15th Military Police Brigade Regulation 1-2 prohibits the facility from placing inmates at high risk of victimization in involuntary segregation unless there is no alternative available. Interviews with the Deputy Commandant, Segregation Supervisor and Segregation line staff that segregation has not been used during the last 12 months to protect an alleged victim.

§115.71 – Criminal and Administrative Agency Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

As previously mentioned all allegations of sexual abuse, as defined in the USDB Policy 15th Military Police Brigade Regulation 1-2 (Definitions Related to Sexual Abuse) are handled by the Army CID. Sexual Harassment investigations are handled by the facility Military Police Investigative unit. Both groups of investigators receive the same additional specialized PREA investigation training and have an exceptional working relationship. Both the CID Investigators and MP Investigators stated the credibility of an alleged victim, suspect, and witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff.

The Administrative investigations handled by the MPI are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. They also try to determine whether staff actions or failures to act were a contributing factor.

The criminal investigations, which are conducted by the CID, are also documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and includes copies of all documentary evidence. Both the MPI and the CID

informed me the departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating the investigation. The completed report is turned over to the facility Commandant. At a minimum, files on all alleged abusers, inmate or staff, for the entire length of sentence or employment, plus five years.

§115.72 – Evidentiary Standard for Administrative Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires that only a preponderance of evidence be established, as the standard, when determining if allegations of sexual abuse are substantiated. During the MPI and CID interviews, investigators indicated that this is the threshold used to determine each case.

§115.73 – Reporting to Inmate

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The auditor reviewed all completed investigative files at the USDB. Contained in each of these files was written signed notification of the completed investigation where the inmate was informed of the outcome whether it had been determined to be substantiated, unsubstantiated, or unfounded. There were seven allegations of sexual abuse by different staff members but no case requiring the inmate be informed in writing as to whenever: the staff member is no longer posted within the inmate's unit; the staff member is no longer employed at the facility; the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. This is required by policy if staff allegations are substantiated. In a substantiated case of abuse of an inmate by another inmate, the investigator informs the victim whenever: the abuser has been indicted on a charge related to sexual abuse within the facility; or been convicted on a charge related to sexual abuse within the facility.

§115.76 – Disciplinary sanctions for staff

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 indicates that termination is the presumptive penalty for violating the sexual abuse policy. For civilians this means removal from federal

employment and for military staff it means processing them out of the service through court martial. Sexual harassment penalties are commensurate with the nature and circumstances of the incident. The Deputy Commandant confirmed this policy and procedure during his interview. The facility had one case, just outside the review period, in which a contract staff member was charged and dismissed for engaging in sexual relations with an inmate.

§115.77 – Corrective action for contractors and volunteers

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 mandates that any contractor or volunteer who engages in sexual abuse is prohibited from contact with inmates and shall be reported to law enforcement agencies, and to relevant licensing bodies. The facility had one case, just outside the review period, in which a contract staff member was charged and dismissed for engaging in sexual relations with an inmate. The interviews conducted with a volunteer and contractor confirmed the USDB policy and consequences for any sexual abuse or sexual harassment.

§115.78 – Disciplinary sanctions for inmates

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires inmates be subject to disciplinary actions outlined in Army Corrections Command policy #16 when the inmate engaged in sexual activity specifically following an administrative finding the inmate engaged in inmate-on-inmate sexual abuse. Sanctions are commensurate with the nature and circumstances of the abuse committed taking into account whether mental disabilities contributed. The policy and practice was confirmed with the Deputy Commandant during his interview.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires when an inmate indicates during intake that he experienced prior sexual victimization, whether it occurred in an institutional setting or in the community; or if he indicates he perpetrated abuse in a facility or in the community, the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of his intake screening. This was confirmed during the interviews with the Director of Treatment Programs and the Psychologist. Interviews with two inmates alleging prior victimization also confirmed they were offered treatment services within the

first two weeks of arrival The Psychologist and medical staff member both indicated that any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

§115.82 – Access to emergency medical and mental health services

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

All inmate victims of sexual abuse at the USDB receive timely, unimpeded access to emergency medical treatment and crisis intervention services at St. Luke's Cushing Hospital and through the facility medical/mental health department. Inmates receive immediate access to sexually transmitted infection prophylaxis and to emergency contraception. There is no cost to the prisoner. There have been no cases to date requiring these services.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires that any inmate who has been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility be offered medical and mental health evaluation and treatment. This treatment and services are consistent with the community level of care based on interviews with medical staff, mental health staff and Director of Program Services.

§115.86 – Sexual abuse incident reviews

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires that the USDB conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, except where the case finding was unfounded. This review takes place within 30 days of the conclusion of the investigation. The Review team looks to determine: if there is a need to change policy or practice to better prevent, detect, or respond to sexual abuse; consider if the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or if

motivated or caused by other group dynamics at the facility; look at the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; review the adequacy of staffing levels in that area: assess whether monitoring technology should be deployed or augmented to supplement supervision. The committee prepares a report of its findings, based on the assessment above and forwards the report with recommendations to the Commandant and PREA Compliance Manager. This entire process was verified in interviews conducted with the Deputy Commandant, Member of the Review Committee and the PREA Compliance Manager.

§115.87 – Data Collection

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

At the time of the site visit the facility did not provide all incident based and aggregated data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. During the time between the site visit and the issuance of the Interim Report the facility provided the document.

§115.88 – Data Review for Corrective Action

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Annually, the USDB provides statistical data to Army Corrections Command (ACC). The statistics are based on calendar year and is collected and aggregated in order to assess and improve the effectiveness of the facility's sexual abuse prevention, detection, and response policies, practices, and training. At the time of the site visit the report was under review by the ACC and was not available.

During the time of the site visit and the issuance of the Interim Report the auditor received the report.

§§115.89 – Data Storage, Publication, and Destruction

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 requires that the USDB make all aggregated sexual abuse data, readily available to the public at least annually through its website. As of

the date of this interim report the data has not been published. The information was provided on the agency web site right after the initial PREA report was issued.

Policy requires the PREA Manager strictly control data that is collected. She is also required to maintain sexual abuse data (to include, incident reports, investigative reports, offender information, case disposition, and evaluation finding) collected for at least 10 years after the date of the initial collection unless legally required otherwise. All staff and departments will forward any and all PREA related documentation and sexual abuse data to the PREA Compliance Manager for file, archive, and audit.

AUDITOR CERTIFICATION:

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

Thomas Eisenschmidt

May 1, 2015

Auditor Signature

Date