

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



Name of facility:		Midwest Joint Regional Correctional Facility	
Physical address:		831 Sabalu Road, Fort Leavenworth, KS 66027-2315	
Date report submitted:		February 10, 2016	
Auditor Information		Tom Eisenschmidt	
Address:	26 Waterford Lane Auburn, NY 13021		
Email:	Tome8689@yahoo.com		
Telephone number:	315-730-7980		
Date of facility visit:		July 20-22, 2015	
Facility Information			
Facility mailing address: (if different from above)		Same as Above	
Telephone number:		913-758-4503	
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	
Name of PREA Compliance Manager:		Mr. Jay Grady	Title: Correctional Program Specialist
Email address:		JAY.A.GRADY.CIV@MAIL.MIL	Telephone number: 913-758-4505
Agency Information			
Name of agency:		Army Corrections Command	
Governing authority or parent agency: (if applicable)			
Physical address:		Rm 10N 67, 200 Stoval St, Alexandria VA, 22332	
Mailing address: (if different from above)		Same	
Telephone number:		703-545-5920	

Agency Chief Executive Officer			
Name:	MG Mark Inch	Title:	ACC Commander
Email address:	mark.s.inch.mil@mail.mil	Telephone number:	
Agency-Wide PREA Coordinator			
Name:	Larry Kester	Title:	Correctional Program Specialist
Email address:	larry.j.kester.civ@mail.mil	Telephone number:	703-545-5920

AUDIT FINDINGS

NARRATIVE:

The Midwest Joint Regional Correctional Facility (MWJRCF) 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.

In 2005, the Base Realignment and Closure (BRAC) Commission concluded its review of the Department of Defense (DOD) Correctional Program and on November 9, 2005, the Defense BRAC Act directed the DOD to consolidate correctional facilities into five JRCFs (Level II/Medium Security). For the Midwest Region, Fort Leavenworth was selected as the site to consolidate the correctional functions from the Lackland Air Force Base (AFB) Confinement Facility, Texas, the Fort Knox Regional Correctional Facility (RCF), Kentucky and the Fort Sill, RCF, Oklahoma with components of the United States Disciplinary Barracks (USDB). This consolidation was mandated to be completed by September 2011.

The MWJRCF consists of approximately 40 acres with a 250,000 square-foot facility consisting of four buildings. The exterior walls of the buildings were built using 1,488 precast concrete panels. Located outside the secure perimeter fence is an administrative building and a utility building. The administrative building has a conference room, training classroom and general offices.

Inside the secure perimeter is a vehicle-access security building and the main multipurpose building. The main building is divided into multiple zones consisting of food service, education, chapel, inmate services, legal, treatment, medical clinic, dental clinic, central control center, visitation, vocational training, library, gymnasium, laundry, administrative offices, and seven inmate-housing units. All of the six general housing units are of the direct supervision design.

The correctional staff's control panel is located in the open center of the housing unit. Each unit is of a multi-floor design with one being an open-bay dormitory unit with 32 double bunks. This living area is currently not in use.

The remaining five general housing units consist of 40 cells with double bunks, lockers, shelves, and toilet/sink combinations. Each housing unit has an open center area containing pay phones, tables, chairs, and televisions; and individual showers on both levels. Access to natural light in cells are gained via cell-door windows to skylight and windows in the open center area. The Special Housing Unit (SHU) is a multi-floor design with 48 individual cells.

The correctional staff control panel is located in a secure observation booth. There are four areas of four cells each designed for special management inmates.

Additionally, there are eight cells designed with a CCTV and specialized furniture for special needs inmates. Secure areas for inmate exercise for both group and individual are located within the SHU.

Recreation for inmates consists of an open-air central recreation yard; which includes a softball field, two full-sized basketball courts, a handball court, weight pad, and a paved running track, all with exterior lighting. The perimeter consists of two 12-foot chain link fences with razor wire and an intrusion detection system (IDS). The perimeter is illuminated with security lighting and monitored by CCTV and armed security patrols.

There are approximately 246 cameras at MWJRCF. Cameras cover a majority of the inmate access areas. In those areas not covered by cameras you'll find mirrors so staff can monitor better. Movement throughout the facility is controlled.

SUMMARY OF AUDIT FINDINGS:

During the visit the auditor conducted ten random inmate interviews, two random inmate interviews from a list that included potential "victims" based on criteria from the Intake Screening Tool, two inmates that alleged sexual abuse, four inmates who identify themselves in the LGBTI community, 12 random staff, and all specialized staff as outlined in the Bureau of Justice Assistance documents.

The inmates and staff at the MWJRCF were well aware of PREA and the Army zero tolerance policy. Inmates questioned were knowledgeable about how and where to report sexual abuse and sexual harassment. They all indicated they had received written and verbal information either on their arrival or on their housing units. Those inmates that have been at the facility for a considerable amount of time received the same information and training and it is documented.

Staff at the MWJRCF 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. Staff carry responder cards and informational posters were viewed throughout the facility.

The Army Criminal Investigation Division (CID) handles all allegations of sexual abuse, as defined in the 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 nine (9) allegations of sexual abuse and one (1) case of sexual harassment. With regard to the sexual abuse allegations, all nine (9) of these allegations involved inmates alleging abuse by another inmate. Of the nine sexual abuse allegations, two (2) were substantiated, two (2) were unsubstantiated and five (5) were unfounded. The two substantiated cases involved touching through clothes for sexual gratification. Neither of these cases were remanded for prosecution. The one allegation of sexual harassment was filed against another inmate and was unfounded.

The Midwest Joint Regional Correctional Facility is very safe and secure institution, where movement is strictly controlled and staff remains highly motivated to provide a safe

environment for everyone. There were two things that stuck out during my visit beyond the motivated staff. The first was that the facility placed painted footprints on the floor in all areas of the facility where routine pat down searches are conducted. These footprints are in the direct recording view of cameras. This was done to eliminate pat down search complaint allegations. The second thing of note was the facility's retaliation procedure. Anyone who makes an allegation of sexual abuse is monitored for retaliation from the day of the allegation.

Number of standards exceeded:	6
Number of standards met:	35
Number of standards not met:	0
Non-applicable:	2

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

There are three specific policies that the Midwest Joint Regional Correctional Facility (MWJRCF) follows with respect to complying with PREA. They are the Army Corrections Command Policy #35, the 15th Military Police Brigade Regulation 1-2 and the Midwest Joint Regional Correctional Facility Regulation 600-1. The Army Command Policy #35 mandates zero tolerance toward all forms of sexual abuse and sexual harassment and mandate each facility to have policies detailing how to prevent, detect, and respond to any such conduct. The 15th Military Police Brigade Regulation 1-2 and the Midwest Joint Regional Correctional Facility Regulation 600-1 go into detail explaining to staff, volunteers, contractors and inmates' specific prohibitive conduct, training requirements, reporting requirements, investigative process and consequences for violations to these policies. During informal and formal interviews staff and inmates were well aware of the policies.

The auditor interviewed Larry Kester, PREA Coordinator for the agency. He indicated he has direct access to the agency Director and meets regularly to discuss PREA matters with him. His interview also indicated he has an understanding of the PREA 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 appropriately.

Jay Grady has the position of PREA Compliance Manager at the MWJRCF. He attended PREA auditor training and his knowledge of the standards and the process were extremely beneficial to the facility and to the auditor. During his interview he confirmed that he has direct access to the Commander (Warden) with anything PREA related. He also indicated he has sufficient time to perform his PREA duties.

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

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

§115.13 – Supervision and Monitoring

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The MWJRCF has a staffing plan as required by the Army Corrections Command. Both the Commander and PREA Compliance Manager interviews indicated that the facility looks at and takes into account items such as; generally accepted detention practices, physical plant, inmate population and prevalence of substantiated and unsubstantiated sexual abuse

allegations when adjusting this staffing plan. The Commander indicated that since she has been there, the facility has made no changes to the plan. As you would expect since this is the Army, it is a rare occasion where they don't have a soldier to cover a post. If this might happen, the deviation from the plan would be noted and the Commander would be notified.

The PREA Coordinator indicated in his interview that he reviews, at least annually, the facility-staffing plan taking into accounts recommendations he receives from the Commander. There have been no requests made or recommended to the PREA Coordinator in the last 12 months.

Rounds are made daily on all shifts by all supervisors. 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)

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 MWJRCF is designated as the facility, in the Midwest part of the country, to house those in the military under the age of 18. Enlistees may be 17 years old upon graduation from high school and with parental consent may enter the military. Typically he/she reaches 18 during boot camp, but on the rare occasion where they may be charged with a crime prior to their 18th birthday they could be placed in MWJRCF.

Both the Army Corrections Command Policy #35 and the 15th Military Police Brigade Regulation 1-2 policy prohibits placing youthful inmates in a housing unit in which would have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters. These policies also mandate that in areas outside of housing units, the facility maintain sight and sound separation between them and adult inmates and provide direct staff supervision when adult inmates have sight, sound, or physical contact. These policies prohibit restricting programs or large muscle exercise to adhere to the policy.

There has been no youthful inmates place at the MWJCRF since it opened in 2010.

§115.15 – Limits to Cross-Gender Viewing and Searches

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The 15th Military Police Brigade Regulation 1-2 and the Midwest Joint Regional Correctional Facility Regulation 600-1 provide all inmates the opportunity to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their buttocks or genitalia. Female staff announces their presence each time they enter the inmate living areas. Interviews with inmates confirmed these female staff announcements.

The auditor observed female staff announcing their presence upon entering the housing units during the site visit.

Cross gender strip searches are not allowed per these same policies. If a body cavity search must be done it has to be conducted by medically trained staff. Policy also prohibits staff from frisking transgender and intersex inmates for the purpose of determining genitalia status. Interviews with staff confirmed these practices, as well as the review of the training lesson plans reinforcing 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.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

As a condition of joining any branch of service the individual must be proficient in English. The MWJRCF ensures that inmates with disabilities assigned to the facility 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 during the site visit. 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

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)

Human resource functions for the MWJRCF are handled by the Resource and Policy Management Office located at the United States Disciplinary Barracks (USDB) facility approximately one mile from MWJRCF. Background checks are handled by the Information Systems Security (ISS) office at the USDB but both facilities ensure that every person who enters the facility as an employee, contractor or volunteer receives the background check prior to entering. Anyone convicted of, or adjudicated of a sexual assault/abuse will not be promoted or even hired at the MWJRCF. The facility 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 at the USDB. 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)

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)

There have been no substantial additions or modification to the MWJRCF since it was built in 2010. There are currently 246 cameras located throughout the facility. Most of the facility has cameras strategically placed to provide safety to the inmates without creating privacy issue. The small areas where cameras are not provided mirrors are in place to enhance security to staff and inmates. The facility conducted a technology reviews this year and is in the process of installing 22 more cameras. A committee, which includes the PREA Compliance Manager, made recommendations to the Commander for camera locations.

§115.21 – Evidence Protocol and Forensic Medical Examinations

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)

At the MWJRCF all cases of alleged sexual abuse are presumed a crime until the Criminal Investigation Command (CID) determines otherwise at which point the case is referred back to the Military Police Investigations (MPI) for an administrative investigation. The MPI and the CID attended the same Sexual Abuse training through the National Institute of Correction. The training content was reviewed and protocols were found to be adapted from DOJ's Office Sexual Assault Medical Forensic Examinations publication adopted after 2011. Both the MPI and CID staffs go to great lengths to ensure no case is jeopardized because correct protocols are not followed.

Saint Luke's Cushing Hospital, Leavenworth, KS is the local hospital that the MWJRCF utilizes for all forensic exams. 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 is not available, a qualified medical practitioner performs the examination. There is no cost to the inmate for any part of this exam or any follow up if necessary. There have been no forensic exams conducted in the last 12 months.

Inmates may request a victim advocate through the DOD helpline or requesting one directly to a staff member. The helpline would normally contact the installation victim advocate. The MWJRCF has been unable to get a MOU with the installation, though it had a MOU with the Munson Army Health Center victim advocate that MOU has expired. The MWJRCF continues to work for a MOU with the installation and in the interim uses internal resources (15th MP Brigade Victim Advocates). The helpline or staff contacts the 15th Military Police Brigade Sexual Harassment Assault Response and Prevention (SHARP) Sexual Assault Response Coordinator (SARC). If requested by the victim, this advocate accompanies and supports the

victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals. The auditor spoke with the SHARP staff member at length, who confirmed her responsibilities. The auditor also verified her training.

§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)

Army Corrections Command Policy #35, the 15th Military Police Brigade Regulation 1-2 and the Midwest Joint Regional Correctional Facility Regulation 600-1 requires that an administrative or criminal investigation be completed for all allegations of sexual abuse and sexual harassment. The Army Corrections Command has a written MOU with the CID outlining the responsibilities for each agency in the process of handling all sexual abuse investigation. Interviews with the MPI and CID Investigators indicated a case is initiated on every allegation immediately when they become aware. It was also clear that there is a great working relationship between the Military Investigators and the Criminal Investigations Divisions Investigators. The investigation policy for sexual abuse investigations is published on the Army website.

§115.31 – Employee Training

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

The auditor spent time at the Training Center talking to staff, reviewing training files and reviewing training curriculum pertaining to PREA. Their records include completed PREA training for all staff for years 2013, 2014, and 2015. For fiscal year 2015 the facility utilized an old sign in form that did not include an acknowledgement of “understanding” the training presented. Fiscal years 2013 and 2014 all staff acknowledged understanding the training. The facility completed training all staff again and utilizing the right form prior to the Interim Report being issued. Agency policy requires all staff receive annual refresher training on PREA and Army Correction Commands’ Zero Tolerance Policy instead of every two years as required by the standard.

All staff at the MWJRCF is trained as first responders 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 site visit clearly indicates 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.

§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)

The contractors and volunteers at the MWJRCF must receive PREA training prior to assuming their responsibilities or entering the facility. The auditor reviewed training records for volunteers and contractors currently working and confirmed each signs a PREA training document acknowledging they understand the training. There were no contractors and volunteers available to interview at the time of the site visit.

§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 at the MWJRCF each Inmate receives information, verbally and in writing, explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how and to whom, to report incidents or suspicions of sexual abuse or sexual harassment verbally, anonymously and in writing. There were new arrivals being processed during the site visit. All new arrivals received at the MWJRCF are placed in a reception unit for approximately seven days during which time they receive an in-depth orientation to the facility, which includes a segment on PREA. This session includes a question and answers segment. The orientation takes place on Tuesday of each week. The auditor did have the opportunity to sit in on this class and found it very informative.

Interviews conducted with the intake staff and interviews conducted with inmates confirmed that PREA information is provided both verbally and in writing to the inmates. Besides the formal classroom and printed documents the MWJRCF has informational posters in the living areas, entrance to the facility and in the visiting room. These posters state the Army's' zero tolerance policy listing phone numbers and addresses to report and to receive support services if needed.

§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 Military Police Investigator and the Criminal Investigations Investigator both received, "PREA- Investigating Sexual Abuse in Confined Spaces Training" through the National Institute of Corrections. The auditor verified the training and attendance by the current investigators. These two groups are comprised of four MPI Investigators and one CID Investigator whose 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 investigators stated in their interviews that they take into account the mental illnesses, intellectual disabilities, and other

issues that evolve with the specialty populations when conducting investigations. Both agencies ensure proper communication is achieved so that cases are not lost due to poor communications.

§115.35 – Specialized training: Medical and Mental Health Care

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

In addition to the general training provided every staff member at the MWJRCF, the medical and mental health staff (full/part time) receives additional specialized training as required by Army Corrections Command Policy #35. This specialized training that they receive covers: 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. The training, provided through the National Institute of Corrections, is documented in each staff training record with a certificate being issued. 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

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)

Each inmate arriving at MWJRCF receives a screening for risk of sexual abuse victimization or sexual abusiveness toward other inmates. This is normally completed on the day of arrival but must be accomplished within 72 hours of arrival. A mental health staff person performs the intake screening and as required by standard by 115.35 has had additional specialized training. This staff person asks: 1) Whether the inmate has a mental, physical, or developmental disability; (2) the age of the inmate; (3) assesses the physical build of the inmate; (4) asks whether the inmate has previously been incarcerated. (5) assesses whether the inmate's criminal history is exclusively nonviolent; (6) determines whether the inmate has prior convictions for sex offenses against an adult or child;(7) asks whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) asks 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 screener also assess whether the inmate is gender nonconforming. Inmates are not disciplined for failing to answer any of the questions. The intake staff member reviews available records for criminal history and also determines if the inmate is perceived to be gender nonconforming during this process. Upon completing the intake and reviewing the relevant available records the screener 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 or abuse. The Army Corrections Command Policy #35 requires that the facility reassess each inmate's risk of victimization or abusiveness within 30 days after the inmate's arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. Typically this reassessment is done 14 days after arrival.

The Mental Health Department at the MWJRCF is collecting data to share with the Psychologist at the USDB who developed the intake screening form 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 facility Psychologist.

§115.42 – Use of Screening Information

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

The Initial Classification Board (ICB) meets as a group and reviews every new arrival at the MWJRCF. The committee consists of supervisory staff from housing, programing, mental health and medical. The committee uses information from the risk screening to make housing, bed, work, education, and program assignments with the goal of keeping separate those Inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

The placement of transgendered and/or intersex Inmates in housing, work or program assignments is done only after a careful review of the case by this committee as well. A committee at the Headquarters Department of the Army level would make the decision with input from the ICB of what facility a transgender or intersex inmate would be confined.

§115.43 – Protective Custody

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

Army Corrections Command Policy #35 prohibits the placing of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. There has been no case at the MWJRCF where segregation was used to place inmates at high risk of victimization in the last 12 months. This was confirmed with the Commander, Segregation Supervisor and Segregation Line Staff. The auditor interviewed inmates determined to be at risk for victimization either as a result of the intake screening process, alleged sexual abuse, or because they had already been victimized. Each indicated they were never placed in segregation.

§115.51 – Inmate Reporting

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

Army Corrections Command and the MWJRCF provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmates can report to any staff, contractor, or volunteer at the facility, use the DoD Safe Help Line, or through a third party. Army Corrections Command Policy #35 mandates that staff accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously, and from third parties. Staff is required to document verbal reports. This mandate was confirmed to the auditor during random staff interviews and with the interview with the facility investigator. As per review of the allegations, most inmates report to staff.

The Department of Defense sexual assault policy covers every service personnel including inmates. The policy allows inmates to make unrestricted report of sexual abuse or sexual harassment through the DoD Safe Help Line. The inmate can make an unrestricted report (providing all information including his/her name) or an anonymous report (without disclosing his/her name). The issue for the MWJRCF is the helpline will contact facility personnel and connect the inmate with facility personnel. The MWJRCF use to have a MOU with Munson Army Health Center to receive those calls, but the MOU expired. The Fort Leavenworth Garrison would normally provide such support but has not signed an agreement to date. The Army decided to shift from using the DoD Safe Help Line to receive outside reports and is now utilizing the Assistant Deputy (Corrections Oversight) as the entity not part of Army Corrections Command (agency). Inmates can confidentially write to the Assistant Deputy (Corrections Oversight) any allegations of sexual abuse and sexual harassment, and the office will immediately notify both the agency (Army Corrections Command) and the respective Army facility. It was determined to use this office while a MOU with the Garrison to use their assets as a way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. 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 inmates can make an unrestricted or an anonymous report has been completed. The DoD Safe Help Line does still provide emotional support over the phone.

§115.52 – Exhaustion of Administrative Remedies

This standard is non applicable as the MWJRCF 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 MWJRCF provides inmates with access to the Department of Defense Safe Helpline, a victim's advocate, for emotional support services related to sexual abuse. Posters throughout the facility list the toll free phone number for this group that is confidential (not recorded). Currently, outside confidential support services are provided only over the phone with the Safe Helpline. For the first two years on site was provided by Munson Army Health Center but that MOU has expired. Pending an MOU with Fort Leavenworth Installation, the MWJRCF is using internal assets for face to face confidential emotional support.

§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 MWJRCF has multiple means to receive third-party reports of sexual abuse and sexual harassment. At the entrance to the facility and throughout the institution are posters indicating contact phone numbers and on the Army Corrections Command Website for inmates and their families to report sexual abuse or sexual harassment. Third party reports can be made to the Army PREA Coordinator, the facility PREA Compliance Manger, or the Army Review Board Agency (Assistant Deputy (Corrections Oversight)). An allegation made to any of these phone numbers is reported immediately to the institution. The MWJRCF also sends an arrival letter to the individual the inmates has listed as his contact, letting them know he has arrived safely at the MWJRCF 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 and Prevention (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)

Army Corrections Command Policy #35 requires all staff to report immediately 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 Army Corrections Command and also report any retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Interviews with all staff confirmed their knowledge of this reporting requirement as well as their requirement of not revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

§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)

The 15th Military Police Brigade Regulation 1-2 requires that anytime the facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the inmate. All staff interviewed indicated that that actions would be immediate on learning an inmate was at substantial risk and their primary concern would be his safety. All indicated that they would follow the same protocols as if an inmate actually reported he was sexually assaulted. The inmate is immediately secured, supervisor notified, Investigator and PREA Compliance Manager notified. The process was also reaffirmed during the interview with the Commander as well. She also indicated that there were no reported inmates at substantial risk during the last 12 months at the MWJRCF.

§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 Army Corrections Command Policy #35 and the 15th Military Police Brigade Regulation 1-2 requires the Commander (Warden), 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 received at the MWJRCF during the last 12 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 Army Corrections Command Policy #35 and the 15th Military Police Brigade Regulation 1-2 and Military Correctional Complex SOP 68 all require staff at the MWJRCF upon learning of an allegation that an inmate was sexually abused must: 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 (soldiers and civilians) is trained as first responders and each carries a card with duties and responsibilities when responding. During interviews with line staff, mid-level supervisors and Command 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 at the MWJRCF. Interviews with the specialized 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 MWJRCF 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 Commander 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 has reported sexual abuse or sexual harassment. The Deputy Director for Treatment Programs is the staff member at the MWJRCF charged to insure compliance to this policy. This is accomplished through the Monitoring Retaliation Committee he chairs, monitoring retaliation up to 90 days but beyond if the committee feels the situation requires it. The committee is comprised of senior leaders, and the PREA Compliance Manager. A Behavioral Health Care staff member contacts inmates involved in an incident weekly. This staff member sits with the inmate and questions him about any issues or concerns he has or any problems he may be experiencing. This contact is documented in the mental health care record and 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. The PREA Compliance Manager monitors civilian employees weekly 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. As previously noted retaliation begins, either the day the accusation is made or the next morning if the allegation was made after normal business hours.

§115.68 – Post-Allegation 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)

Army Corrections Command Policy #35 prohibits the facility from placing inmates in segregation for protection that alleged to have suffered sexual abuse unless no alternative is available. Interviews conducted with the Commander, a Special Housing Unit Supervisor and a segregation line staff member confirmed that segregation has never been used to house Inmates for protection after an alleged sexual assault.

§115.71 – Criminal and Administrative Agency Investigations

- 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 allegations of sexual abuse, as defined in the Policy 15th Military Police Brigade Regulation 1-2 are handled by the Army Criminal Investigation Division. The MWJRCF Military Police Investigative unit handles Sexual Harassment investigations. These investigators receive the same additional specialized PREA investigation training and have a great working relationship. When interviewed the CID Investigator and MP Investigator stated the credibility of an alleged victim, suspect, and witness is assessed on an individual basis and not determined by the person's status as inmate or staff.

MPI investigations 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 files are extensive and inclusive of all documents related to the case.

Criminal investigations are also documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and include copies of all documentary evidence. Both the MPI and the CID informed the auditor 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.

All completed investigative reports are turned over to the facility Commander. At a minimum, files on all alleged abusers, Inmate or staff, are maintained 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)

Army Corrections Command Policy #35 and the Policy 15th Military Police Brigade Regulation 1-2 imposes no standard higher than a preponderance of the evidence for determining whether allegations of sexual abuse or sexual harassment are substantiated. When questioned both Investigators and the Commander confirmed this standard of evidence.

§115.73 – Reporting to Inmate

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The auditor reviewed all completed investigative files at the MWJRCF. Each completed case file contained a written signed notification of the completed investigation where the inmate was informed of whether it had been determined to be substantiated, unsubstantiated, or unfounded. There were no sexual abuse allegations against staff members but policy requires no 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 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)

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. During the interview with the Commander, she confirmed this policy and procedure.

§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 Army Corrections Command Policy #35 and 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. There were no volunteers or contractors available to interview during the site visit. A review of volunteer and contractor training records showed each received training on these policies and signed confirming their understanding.

§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 are subject to disciplinary actions outlined in Army Corrections Command policy #16 when the inmate engages 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 Commander during her interview. The auditor also reviewed a case when the inmate received a disciplinary hearing and sanction for inmate on inmate sexual abuse.

§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. The policy was confirmed during the interviews with the Director of Treatment Programs, the Psychologist and the intake staff person. The auditor interviewed two inmates alleging prior victimization. Both confirmed they were offered treatment services within the first two weeks of arrival. Also interviewed was an inmate with prior abuse on his record. He indicated he was offered treatment services within 14 days of his arrival.

The Psychologist and a 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)

Army Corrections Command Policy #35 requires all inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. This is accomplished through emergency medical treatment and crisis intervention services at Saint Luke's Cushing Memorial Hospital and through the facility medical/mental health department. Medical and Mental Health practitioners according to their professional judgment determine the nature and scope of such services. The inmate receives immediate access to sexually transmitted infection prophylaxis and to emergency contraception incurring no cost.

§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 medical and mental health evaluations and treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility with no cost to the inmate. The auditor interviewed the Deputy Director Treatment Programs and random inmates reporting prior victimization who verified facility adherence to this policy.

§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 MWJRCF conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, except where the case finding was unfounded. The 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 PREA Compliance Manager prepares a report of the committee's findings, based on the criteria above and forwards the report with recommendations to the Commander. The auditor spoke with members of the review committee, the PREA Compliance Manager and Commander who confirmed the role and functions of the Review Committee. The auditor also reviewed all reviews conducted (4) during the last twelve months.

§115.87 – Data Collection

- 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)

ACC collects uniform data for every allegation of sexual abuse and sexual harassment from all Army operated facilities using the DoJ Survey of Sexual Violence and during the year data call for information on all allegation of sexual abuse and sexual harassment. The data is aggregated to produce both the most recent version of the Survey of Sexual Violence conducted by the Department of Justice and the ACC annual report.

§115.88 – Data Review for Corrective Action

- 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 MWJRCF provides statistical data to Army Corrections Command (ACC) upon request. 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 nor published on a web site.

During the corrective action period the auditor received the report (January 29, 2016).

§§115.89 – Data Storage, Publication, and Destruction

- 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 MWJRCF 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 during the corrective action period.

Policy requires the PREA Manager strictly control data that is collected. The PREA Manager 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

February 10.2016

Auditor Signature

Date