

# PREA AUDIT: AUDITOR'S SUMMARY REPORT

## COMMUNITY CONFINEMENT FACILITIES

Interim     Final Report

Date of Report: June 17, 2016

<b>Auditor Information</b>			
<b>Auditor name:</b> Rodney P. Bivens			
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<b>Telephone number:</b> 865-659-2424			
<b>Date of facility visit:</b> April 18-20, 2016			
<b>Facility Information</b>			
<b>Facility name:</b> Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center			
<b>Facility physical address:</b> 1700 Horizon Boulevard, El Paso, Texas 79928			
<b>Facility mailing address:</b> (if different from above) Same			
<b>Facility telephone number</b> (915) 852-1505			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input checked="" type="checkbox"/> Community treatment center	<input type="checkbox"/> Community-based confinement facility	<input type="checkbox"/> Other
	<input checked="" type="checkbox"/> Halfway house		
	<input type="checkbox"/> Alcohol or drug rehabilitation center		
<b>Name of facility's Chief Executive Officer:</b> Carlos Morales			
<b>Number of staff assigned to the facility in the last 12 months:</b> 89			
<b>Designed facility capacity:</b> El Paso Multi Use Facility 350 / El Paso Treatment Center 200			Total: 550
<b>Current population of facility:</b> El Paso Multi Use Facility 217 / El Paso Treatment Center 171			Total: 388
<b>Facility security levels/resident custody levels:</b> Minimum/Community			
<b>Age range of the population:</b> 18-62			
<b>Name of PREA Compliance Manager:</b> Ana Montgomery		<b>Title:</b>	PREA Manager
<b>Email address:</b> ana.montgomery@cca.com		<b>Telephone number:</b>	(915) 852-1505
<b>Agency Information</b>			
<b>Name of agency:</b> Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center			
<b>Governing authority or parent agency:</b> (if applicable) Corrections Corporation of America			
<b>Physical address:</b> 10 Burton Hills Blvd, Nashville, Tennessee 37215			
<b>Mailing address:</b> (if different from above) Same			
<b>Telephone number:</b> (615) 263-3000			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> Damon Hininger		<b>Title:</b>	President and CEO
<b>Email address:</b> Damon.Hininger@cca.com		<b>Telephone number:</b>	(615) 263-3301
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Lisa Hollingsworth		<b>Title:</b>	PREA Coordinator
<b>Email address:</b> Lisa.Hollingsworth@cca.com		<b>Telephone number:</b>	(615) 263-6915

# AUDIT FINDINGS

## NARRATIVE:

The onsite PREA audit of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center in El Paso, Texas, was conducted April 18-20, 2016, by Department of Justice Certified PREA Auditor Rodney P. Bivens. Pre-audit preparation included a thorough review of all policies, procedures, training curriculums, Pre-Audit Questionnaire, and supporting documentation provided by the facility to demonstrate compliance to the PREA standards. The auditor and the PREA Coordinator had ongoing communication for several weeks prior to the audit to prepare for the on-site visit.

The auditor wishes to extend his deepest appreciation to Administrator Carlos Morales and his staff for their professionalism, hospitality, and kindness. The auditor also wishes to compliment the Correction Corporation of America's PREA Coordinator Lisa Hollingsworth and the facility PREA Compliance Manager Ana Montgomery for their outstanding work in organizing the files that were provided to the auditor in advance of the audit. This enabled the audit to move forward very efficiently.

The facility supplied a list of resident names sorted by housing units, disabilities, and special designations, as well as a list of facility staff names to the auditor. From these lists the auditor selected, at random, a sampling of residents and staff to be interviewed during the on-site visit. The sampling size for residents included at least one resident from each housing unit. This decision was made to ensure all residents throughout the facility were receiving the same information and education related to all aspects of the PREA program instituted at this facility.

The on-site audit began with an entrance meeting being conducted on Monday, April 18, 2016 at 8:30 a.m. in the Administrative Break Room. The following staff attended the entrance meeting:

Administrator Carlos Morales  
Assistant Administrator Manuel Tarango (Multi Use Facility)  
Assistant Administrator Monica Delgado (Transitional Center)  
PREA Coordinator Lisa Hollingsworth  
PREA Manager Ana Montgomery

Following the entrance meeting, the auditor conducted a comprehensive site review that began at approximately 8:45 a.m. and continued throughout the two days. During the site review the auditor reviewed camera placement, blind spots, staff placement and documentation to assist in determining standard compliance. While touring the facilities the auditor observed the notices of this PREA audit in all the

buildings, as well as posters that called attention to the agency's Zero Tolerance Policy and how to report allegations of sexual abuse and sexual harassment. Random staff and resident interviews were conducted in private offices provided at each housing unit during the site review as well. The following staff accompanied the auditor on the site review:

Administrator Carlos Morales  
Assistant Administrator Manuel Tarango (Multi Use Facility)  
Assistant Administrator Monica Delgado (Transitional Center)  
PREA Coordinator Lisa Hollingsworth  
PREA Manager Ana Montgomery

All housing units, day rooms, resident program areas, work areas, and all other resident accessible areas were toured. While touring several residents and staff were questioned about their knowledge of PREA standards, procedures for reporting, services available, and their responsibilities. All staff and residents informally interviewed during the tour acknowledged receiving training and procedures for reporting sexual abuse, sexual harassment, and/or retaliation for reporting.

The auditor interviewed a total of 38 staff members during the course of this audit. Staff interviews consisted of: 10 security staff selected at random covering all shifts, 1 volunteer, 3 contractors, 3 supervisors, 10 employees informally selected during the facility tour, and 11 specialized staff who has multiple roles that encompasses all specialized staff interviews. All staff interviewed were well versed in their respective areas of responsibility regarding PREA and affirmed compliance with the applicable PREA standards. There is no SAFE or SANE staff at the facility; they are made available at the Emergency Health Network in El Paso, Texas. Staff interviewed were well versed in their responsibilities in reporting sexual abuse, sexual harassment, staff negligence, and retaliation for reporting. When questioned about evidence preservation, all staff responses reflected knowledge of agency policies and procedures.

There were 22 residents interviewed during the on-site visit. These residents consisted of: 17 residents selected at random and 5 informally selected during the facility tour. There were 6 of the 17 residents selected at random requiring specialized interviews broken down as follows: 1 limited English proficient, 1 hard of hearing, and 4 that self-reported during risk screening as being LBGTI. All of the residents interviewed acknowledged receiving PREA training and written materials (posters, pamphlets, and resident handbooks) outlining the agencies zero tolerance policies towards sexual abuse, sexual harassment, and retaliation for reporting, as well as the procedures for reporting. The resident with disabilities and the limited English proficient resident interviewed confirmed receiving the PREA training and written materials in languages they could understand as well. The residents that self-reported during screening stated that staff treated them no different, they felt

safe, and no alternate housing was ordered due to their sexual preference. All residents interviewed felt if they had to file a PREA complaint the facility would respond appropriately to their complaint and that all PREA complaints were taken very serious by staff at this facility.

The auditor selected and carefully examined 8 personnel files, 10 staff training files, and 2 volunteer files. The personnel and volunteer files were very well organized and contained all the necessary background check information and signed statements regarding previous sexual misconduct described in the standards. The training records were also very complete and included written documentation that staff and volunteers received the required training and understood what was being trained.

The auditor also reviewed 10 offender files and saw documentation of offender education, as well as documentation of the initial risk screenings, the 30-day re-screenings, and screenings upon additional information being completed as required by the standard.

In the 12 months preceding the audit, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center had received and investigated one PREA complaint regarding resident on resident intentional touching. During the investigation this case was determined to be unfounded based on video evidence. The investigative file was reviewed during the on-site visit and appeared to document thoroughly the investigative process per agency policy. Policy and procedure required that criminal investigative referrals were to be documented and proper referrals were to be made when warranted.

At the conclusion of the on-site visit, an exit meeting was held to discuss the audit findings. The following staff attended:

Administrator Carlos Morales  
Assistant Administrator Manuel Tarango (Multi Use Facility)  
Assistant Administrator Monica Delgado (Transitional Center)  
PREA Coordinator Lisa Hollingsworth  
PREA Manager Ana Montgomery

During the exit, the auditor explained the process that would follow the on-site visit. The auditor also explained any areas found not meeting the standards during the audit would require corrective measures and he would be working closely with the PREA team to accomplish compliance. Finally, the auditor acknowledged the willingness of all staff involved to accomplish PREA compliance and advised the PREA team of their requirements to post the final report on the facility website once compliance with all standards was achieved.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

The Corrections Corporation of America - El Paso Multi Use facility, located at 1700 N. Horizon and the Corrections Corporation of America - El Paso Transitional Center, located at 1650 N. Horizon, both in El Paso, Texas are contracted by Texas Department of Criminal Justice. Since October 2015 both facilities have been owned and operated by Corrections Corporation of America. The facilities offer an alternative to jail or prison and provides furlough/residential re-entry to residents. The Corrections Corporation of America - El Paso Multi Use Facility can house up to 240 all-male residents in the halfway house program. The Corrections Corporation of America - El Paso Multi Use Facility also has a substance abuse program contracted by Texas Department of State Health Services. This program can house up to 50 all-male residents. The remaining 60 beds are utilized to provide a homeless shelter for the military veterans of El Paso. The Corrections Corporation of America - El Paso Transitional Center can house up to 200 all-male residents in the halfway house program. Corrections Corporation of America - El Paso Multi Use Facility consist of 6 open bay housing units and the Corrections Corporation of America - Transitional Center provides an additional 5 open bay housing units.

Both facilities provide on-site programs and services that include substance abuse education, life skills, job readiness and development as well as case management services. There are three nutritious meals provided per day, including a sack lunch which is provided to residents scheduled to leave the center for employment. Also, both facilities provide transportation for employment, medical appointments, court, and legal appointments. Most of the residents at both facilities are transitioning from jail or prison to the community and are able to leave the facility to work or to seek employment.

The Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center's stated mission is "to operate safe, humane, and secure community correctional facilities, protect the public, and provide offenders with training, education, and treatment programs to reduce recidivism". It was evident the staff interviewed were committed to excellence in corrections, by providing a dedicated team of professionals whose focus is on the enhancement of the quality of life through self-improvement opportunities for the residents entrusted to their care.

## **SUMMARY OF AUDIT FINDINGS:**

On April 18-20, 2016, the on-site visit was conducted. During the audit, the auditor determined one standard did not meet the standard requirements (115.242). The auditor, PREA Coordinator, and facility staff developed and agreed upon a corrective action plan to be implemented. Throughout the 30-day interim report writing period the auditor and the PREA staff had on going communications regarding the implementation of the corrective actions. On May 20, 2016, the auditor completed the interim report initiating the 180-day corrective action period awaiting computer

changes that will bring this standard into compliance. On June 14, 2016 the auditor received confirmation that the computer has been upgraded and the facility has entered the required information into the updated screens completing the corrective action needed to bring standard 115.242 into compliance. The results of the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center audit are listed below:

Number of standards exceeded:	3
Number of standards met:	34
Number of standards not met:	0
Non-applicable:	2

**Standard 115.211: 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)

115.211 (a): The Corrections Corporation of America has a written policy and procedure mandating zero tolerance for all forms of sexual abuse and sexual harassment. This policy outlines the agency's approach to preventing, detecting and responding to such conduct. The procedures for all staff were clearly outlined in the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, as well as Avalon Correctional Services, Inc. and Subsidiaries (Avalon) policy, section 8, number 080102 provided. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Note:** Since Corrections Corporation of America policy is now the current policy followed by the facilities, all references to follow in this report will address Corrections Corporation of America policy 14-2 CC only.

115.211 (B): The agency employs an upper-level, agency-wide PREA Coordinator. Mrs. Lisa Hollingsworth is the agency-wide PREA Coordinator at Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center. Lisa was appointed as the agency-wide PREA Coordinator on May 06, 2014 and was assisted by PREA Compliance Manager Ana Montgomery during this audit. The facility provided the auditor with the organizational chart showing the PREA Coordinator position as an upper-level, agency-wide position. Lisa is very knowledgeable of the PREA standards and actively assists the facility with compliance. Mrs. Hollingsworth has the authority to develop, implement, and oversee PREA compliance. She is actively updating the facility as new FAQ's are published on the PREA Resource Center website. During interviews with the PREA Coordinator and the PREA

Manager, both indicated they had sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.212: Contracting with other entities for the confinement of residents**

- 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)
- Not-applicable Standard

Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center is a private provider and does not contract with other agencies for the confinement of its residents. Therefore, this standard was found to be non-applicable to this facility during this audit cycle.

**Standard 115.213: 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)

Based on staff interviews, review of documentation provided and review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy, 14-2 CC, pages 2 and 3, section A, 1-5, the following delineates the audit findings regarding this standard:

115.213 (a) The facility has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing as described and required by this standard. The established staffing plan uses the criteria found in the standard 115.213 (a) to include the physical layout of the facility, composition of the residents housed, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, and any other relevant factors identified. Video monitoring has also been deployed to assist with the protection of residents against sexual abuse. In interview with the Administrator he stated that contractually the facility is mandated to have a staffing ratio of 1:60 during waking hours and 1:100 during sleeping hours. The staffing levels are monitored daily by review of shift rosters. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.213 (b) The facility has procedures in place to ensure all deviations are covered by overtime or notification must be documented on "Notice to Administration" form 5-1B and submitted to the Administrator and PREA Coordinator outlining the reason(s) for the deviation. There have been no deviations reported where the staffing plan has not been complied with in the past twelve months, as confirmed by interview with the Director. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.213 (c) The staffing plan is reviewed annually by the PREA Compliance Manager and the Director in conjunction with the PREA Coordinator and documented on the 14-2 CC-I, "Annual PREA Staffing Plan Assessment" form. The completed assessment is then forwarded to the PREA Compliance Coordinator for signature and on to the Vice President for approval. The Vice President approves any recommendations made which would include changes to policy and procedures, physical plant, video monitoring, or staffing levels. The last Annual Staffing Plan assessment was completed February 4, 2016 and documented the current staffing plan to be sufficient, but recommended additional cameras be requested in the next budget year. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

#### **Standard 115.215: 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A, training curriculums, staff interviews, training file reviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.215 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A outlines resident searches and that staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. The review of training curriculums, staff training files, and staff interviews revealed cross gender strip searches are prohibited except in exigent circumstances and must be documented when conducted. There has been no documented cross-gender visual body cavity or strip searches reported in the past 12 months. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.215 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A prohibits male employees from frisk/pat searches of female residents except in exigent circumstances. However, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center is an all-male facility. Therefore, this part of the standard is not applicable.

115.215 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A prohibits frisk/pat searches of the female residents by male staff and requires that all cross-gender searches in exigent circumstances be documented. However, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center is an all-male facility. Therefore, this part of the standard is not applicable.

115.215 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A outlines that residents shall be permitted to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks or genitalia. The residents confirmed during interviews they have privacy when showering, using the toilets and while changing their clothes. Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A also requires staff of the opposite gender to announce their presence prior to entering the housing units. Resident and staff interviews revealed that opposite gender announcements were common practice at this facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.215 (e) Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A, training curriculum provided and staff interviews the facility prohibits staff from physically examining transgender or intersex residents for the sole purpose of determining genital status. If the resident's genital status is unknown, it is determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.215 (f) Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 2 and 3, section A, training curriculum provided, staff training file reviews, and staff interviews the facility trains security staff to conduct cross-gender pat-down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. In addition to general PREA training provided to all staff, security staff receive additional training on

how to properly conduct cross-gender pat-down searches and searches of transgender as well as intersex residents. This training was verified during staff interviews and staff training file review. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.216: Residents with disabilities and residents 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 14, section I, review of the lesson plans, PREA handouts, and review of ATT Interpreter Services contract, as well as staff and resident interviews. The following delineates the audit findings regarding this standard:

115.216 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 14, section I outlines and staff ensures appropriate steps are taken to provide residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of its efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. PREA handouts, PREA posting, PREA education video, and the resident handbook is provided in both English and Spanish. A TTY phone is available at this facility as well as a sign language interpreter from the Deaf and Hard of Hearing Center if needed. During the on-site visit there was one hard of hearing resident interviewed. He confirmed receiving all written PREA information. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.216 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 14, section I outlines and staff takes reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to residents who are limited English proficient, including steps to provide interpreters who can interpret effectively accurately and impartially. ATT Interpreter Services and/or staff interpreters are used to translate at this facility. There was only one identified Spanish speaking resident interviewed during the on-site visit and he confirmed receiving all written PREA information and viewing the Spanish version of the CCA

PREA DVD. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.216 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 14, section I mandates and staff acknowledge during interviews as well that the facility does not rely on resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety. During this audit cycle there were no instances where a resident interpreter had to be utilized. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.217: 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 5 and 6, section B, Human Resource staff interviews, and personnel file reviews. The following delineates the audit findings regarding this standard:

115.217 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does not hire or promote anyone who may have contact with residents, and does not enlist the services of any contractor or volunteer who may have contact with residents, who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above. The facility completes an "Avalon PREA Personnel Screening/Questionnaire" on all applicants as well as a background check conducted by the Texas Department of Criminal Justice on all new applicants confirming compliance. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center considers per policy 14-2 CC, pages 5 and 6, section B any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor or volunteer, who may have contact with

residents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (c)-1 Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 5 and 6, section B requires a criminal background records check be completed before hiring any new employee, contractor, or volunteer. The Texas Department of Criminal Justice with access to the Texas Department of Public Safety performs background checks for the facility. The Texas Department of Public Safety provides an automatic notification by e-mail to the Texas Department of Criminal Justice of any activity on an individual's criminal history. If a staff member is arrested the Texas Department of Criminal Justice receives automatic notification of the arrest and forwards the information to the facility. This method of reporting is known as "Flash Reporting" and eliminates the need for criminal background checks being completed every five years. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (c)-2 Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center makes their best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any pending investigations of allegation of sexual abuse. This request is documented on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center's "Verification of Employment" form (3-20-2A). Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 5 and 6, section B requires a criminal background records check be completed before enlisting the services of any contractor or volunteer who may have contact with the residents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 5 and 6, section B requires a criminal background records check be completed on all current employees, volunteers, and contractors at least every five years. However, the Texas Department of Criminal Justice with access to the Texas Department of Public Safety performs background checks for the facility. The Texas Department of Public Safety provides an automatic notification by e-mail to the Texas Department of Criminal Justice of any activity on an individual's criminal history. If a staff member is arrested the Texas Department of Criminal Justice receives automatic notification of the arrest and forwards the information to the facility. This method of reporting is known as "Flash Reporting" and eliminates the need for criminal background checks being completed every five years. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (f) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center instills upon all employees a continuing affirmative duty to disclose any sexual misconduct as required by this standard. A 14-2 CC-H "Self-Declaration of Sexual Abuse/Sexual Harassment" form is completed by all applicants, unescorted contractors or volunteers, employees upon being hired, and employees being considered for a promotion to document this requirement. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (g) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 5 and 6, section B mandates that material omissions regarding sexual misconduct, and the provision of materially giving false information, are grounds for termination as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.217 (h) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 5 and 6, section B requires that the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a current or former employee upon receiving a request from an institutional employer for whom such employee has applied to work. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.218: Upgrades to facilities and technologies**

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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, page 31, section V, staff interviews, review of camera placement, and review of documentation provided. The following delineates the audit findings regarding this standard:

115.218 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, page 31, section V requires when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.218 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, page 31, section V requires when installing or

updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect residents from sexual abuse.

During this audit cycle the facility has made minimal enhancements to the video technology at the facilities. All identified blind spots were addressed and staff as well as residents confirmed during interviews they felt safer with the changes in place. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.221: 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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 22 and 23, section O, investigative staff interviews, and review of documentation provided. The following delineates the audit findings regarding this standard:

115.221 (a) and (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center complies with all elements of this standard. The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings. The El Paso Sheriff's Department investigates all PREA complaints for potential criminal activity and maintains a close working relationship with the County Prosecutor and the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center investigator on each case. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.221 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center offers all victims of sexual abuse access to forensic medical examinations at the University Medical Center of El Paso, Texas without financial cost, where evidentiary or medically appropriate. Such examinations are to be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.221 (d) The Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center has entered into a Memorandum of Understanding with the Center Against Sexual and Family Violence which agrees to provide outside victim advocacies services to the residents. The services of these victim advocates has not been requested or used by the residents during this audit cycle. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.221 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center has entered into a Memorandum of Understanding with the Center Against Sexual and Family Violence which agrees to provide outside victim advocacies services to the residents upon request. The facility also makes available a victim advocate, upon request by the victim, who will accompany and support the victim through the forensic medical examination process and investigatory interviews and provide emotional support, crisis intervention, information, and referrals as warranted. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.221 (f) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center is responsible for administrative and criminal investigations. Therefore, this part of the standard is not applicable to this facility.

#### **Standard 115.222: Policies to ensure referrals of allegations for 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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC pages 21 through 23, section O, investigative staff interviews, and review of documentation provided. The following delineates the audit findings regarding this standard:

115.222 (a) The Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC pages 21 through 23, section O requires an administrative or criminal investigation be completed for all allegations of sexual abuse and sexual harassment. All potential criminal activity is referred to the El Paso Sheriff's Department for criminal investigation. During the interview with the investigator he demonstrated the responsibilities were clearly established and understood by both agencies. During this audit cycle there has been no PREA complaints requiring a criminal investigation reported at this facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.222 (b) All PREA allegations are investigated by the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center investigator for potential criminal activity. If it is determined that the allegation involves potential criminal activity, it is referred to the El Paso Sheriff's Department for criminal investigation and prosecution as warranted. The agency policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation is published on the Corrections Corporation of America website. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.222 (c) The Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC pages 21 through 23, section O outlines the responsibilities of the agency and the El Paso Sheriff's Department. During interview with the agency investigator he demonstrated knowledge of the respective roles and responsibilities each investigative entity assumes. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.222 (d) There is no State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment at this agency. Therefore, this part of the standard is not applicable.

115.222 (e) There is no Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment at this agency. Therefore, this part of the standard is not applicable.

### **Standard 115.231: 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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 6 and 7, section C, staff interviews, random staff training file review, and review of documentation provided (power points, certificates, sign in sheets, signed acknowledgement forms, training curriculums, and employee handouts). The following delineates the audit findings regarding this standard:

115.231 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center trains all their employees who have contact with residents on:

(1) Its zero-tolerance policy for sexual abuse and sexual harassment;

(2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;

- (3) Residents' right to be free from sexual abuse and sexual harassment;
- (4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with residents;
- (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.231 (b) The training is tailored to the gender of the residents at Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center. The employees receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.231 (c) The training staff provided a report containing all staff that had been PREA trained which confirmed the requirements needed to meet the standard and proved that all current staff was trained within one year of the effective date of the PREA standards. All staff receive annual refresher PREA training during in-service which exceeds the requirements of this standard. Therefore, the facility exceeded this part of the standard during this audit.

115.231 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center documents, through employee signature on an acknowledgement form, that all employees understand the training they have received. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.232: Volunteer and contractor training**

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

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, pages 8 and 9, section 2, volunteer interview, random training file review, and review of documentation provided (power points,

certificates, sign in sheets, signed acknowledgement forms, training curriculums and handouts). The following delineates the audit findings regarding this standard:

115.232 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center ensures all volunteers and contractors who have contact with residents have been trained on their responsibilities under Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center sexual abuse and sexual harassment prevention, detection, and response policies and procedures. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.232 (b) The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents are notified of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center zero-tolerance policy 14-2 CC regarding sexual abuse and sexual harassment and their requirements to report such incidents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.232 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center documents through employee signature on an acknowledgement form that volunteers and contractors understand the training they have received. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.233: Resident education**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on review of the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 13 and 14, section I, the Resident Handbook, PREA Pamphlets, Facility Orientation, PREA Posters, and the 30-day training video; as well as interviews with random residents and staff. The following delineates the audit findings regarding this standard:

115.233 (a) During the intake process, residents receive information explaining Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment, their rights to be free from sexual abuse and harassment, and to be free from retaliation for reporting such incidents. As well as procedures for responding to these type of

incidents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.233 (b) The agency only operates this facility. Therefore, this part of the standard is not applicable.

115.233 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center provides resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.233 (d) There was documentation provided of resident's participation in PREA educational sessions as required by this part of the standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.233 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does provide the residents with posters, pamphlets, and a resident handbook in English and Spanish outlining the zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.234: Specialized training: Investigations**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on review of the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 7, section C, as well as the PREA Specialized Investigator Training curriculums provided, Investigators training file review, and investigative staff interview. The following delineates the audit findings regarding this standard:

115.234 (a) In addition to the general training provided to all employees Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center ensures that their investigator receives training in conducting investigations in confinement settings. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.234 (b) The specialized training included techniques for interviewing sexual abuse victims, 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. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.234 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center maintains documentation that the agency investigator has completed the required specialized training in conducting sexual abuse investigations. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.235: 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)
- Not-applicable Standard

Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 8, 1<sup>st</sup> bullet, in addition to the general training provided to all employees, Qualified Health Care Professionals and Qualified Mental Health Professionals receive specialized medical training. This training includes how to detect and assess for signs of sexual abuse and sexual harassment, how to preserve physical evidence, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how and to whom to report allegations of sexual abuse and sexual harassment. The facility has two contract nurses on staff. Documentation provided showed they both received specialized training in May of 2016 and signed a Training Acknowledgment form verifying completion and understanding of the training. In interview with the one of the nurses, she acknowledged receiving both specialized training and general training and knew her responsibilities as outlined in policy 14-2 CC. The facility does not have a Qualified Mental Health Professional on staff. Residents are referred offsite for these services.

The nurses at this facility does not conduct forensic examinations. SAFE/SANE exams are conducted by referral to the University Medical Center of El Paso, Texas. Therefore, the facility demonstrated compliance with this standard during this audit.

### **Standard 115.241: Screening for risk of victimization and abusiveness**

- 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 12 and 13, section H-1, resident and staff interviews, resident file reviews, and a review of the objective 14-2 CC-B "Initial and 30-day PREA Screening Assessment" form. The following delineates the audit findings regarding this standard:

115.241 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center ensures that all residents are assessed during intake and upon transfer to another facility for risk of being sexually abused by other residents or sexually abusive toward other residents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (b) The Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center documentation provided mandates that screenings be conducted within 72 hours of arrival at the facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (c) Based on the documentation provided and resident file reviews the facility utilizes an objective screening instrument that covers all aspects of this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (d) The intake screening instrument used considers, at a minimum, the following criteria to assess residents for risk of sexual victimization:

- (1) Whether the resident has a mental, physical, or developmental disability;
  - (2) The age of the resident;
  - (3) The physical build of the resident;
  - (4) Whether the resident has previously been incarcerated;
  - (5) Whether the resident's criminal history is exclusively nonviolent;
  - (6) Whether the resident has prior convictions for sex offenses against an adult or child;
  - (7) Whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
  - (8) Whether the resident has previously experienced sexual victimization;
  - (9) The residents own perception of vulnerability; and
- Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (e) The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center, in assessing residents for risk of being sexually abusive. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (f) Within 30 days from the resident's arrival, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center reassess the resident's risk of victimization or abusiveness based upon any additional, relevant information received by Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center since the intake screening. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (g) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center will reassess a resident's risk level when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the resident's risk of sexual victimization or abusiveness. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (h) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does not discipline residents for refusing to answer screening questions or not disclosing complete information. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.241 (i) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center implements appropriate controls on the dissemination of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents. Based on policy review, interview with the Administrator, and interviews with the staff responsible for completing the screening, all information gathered on the screening instrument is restricted to staff making housing, work and program assignments. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.242: 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 14, section J, resident and staff interviews, file review, and a review of the objective "Initial and 30-day PREA Screening Assessment" form. The following delineates the audit findings regarding this standard:

115.242 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does not utilize the information from the risk screening to decide housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive.

Corrective Action: On June 14, 2016 the auditor received confirmation that the computer screens has been updated and the facility has entered the required information into the updated screens completing the corrective action needed to bring this standard into compliance. This update has made available to all staff making housing, bed, work, education, and program assignments the results of the screening information ensuring that residents at high risk of being sexually victimized are kept separated from those residents at high risk of being sexually abusive. Therefore, the facility has demonstrated compliance with this part of the standard during the corrective action period.

115.242 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center makes individualized determinations about how to ensure the safety of each resident. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.242 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center outlines the procedures to be followed in deciding whether to assign a transgender resident to a facility for male or female residents, and the process for making housing and programming assignments, on case by case basis as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.242 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center requires that a transgender and intersex resident's own views regarding their own safety be given serious consideration. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.242 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center requires that transgender and intersex residents be given the

opportunity to shower separately from other residents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.242 (f) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such residents. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.251: Resident 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 15 and 16, section L, the Resident Handbook, PREA pamphlets, and posters provided to residents were utilized to verify compliance with this standard. Staff and resident interviews verified the residents have multiple internal ways to report incidents of abuse or harassment.

115.251 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 15 and 16, section L outlines multiple internal ways for residents to report incidents of sexual abuse, sexual harassment, and retaliation by other residents or staff for reporting sexual abuse, sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Residents reported and documentation confirmed they can report verbally, in writing, dialing the hotline provided and/or through report of a third party. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.251 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center provides at least one way for residents to report abuse or harassment to a public or private entity or office that is not part of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center, and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous

upon request. The Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center has made available to the residents the Texas Department of Justice PREA Ombudsman office address and phone number. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.251 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 15 and 16, section L requires all staff to accept reports made verbally, in writing, anonymously and from third parties. All allegations shall be promptly documented in an incident report and reported to the Administrator. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.251 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center staff may privately report sexual abuse and sexual harassment to the Administrator, a supervisor, PREA Coordinator, or by reporting it through the Corrections Corporation of America's ethics hotline. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.252: Exhaustion of administrative remedies**

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

The Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does not require a resident to submit a grievance or allow a PREA incident reported on a grievance to be processed through the facility's grievance process. Should a report be submitted, it is the policy to immediately forward the complaint to the Investigator who will initiate the investigative process. Therefore, this standard was found not applicable to this facility.

**Standard 115.253: Resident 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 10, section F, staff interviews, resident interviews and documentation review. The following delineates the audit findings regarding this standard:

115.253 (a) The agency has entered into a Memorandum of Understanding with the Center Against Sexual and Family Violence which agrees to provide confidential outside victim advocacies services to the residents at Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center. The mailing address and telephone number for this agency are made available to all residents at the facility. Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center enables reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible. The services of these victim advocates have not been requested or used by the residents during this audit cycle, verified by phone call. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.253 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center informs residents, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.253 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center maintains a Memorandum of Understanding with the Center Against Sexual and Family Violence. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

#### **Standard 115.254: 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)

Based on the review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 18, section L as well as a review of the Corrections Corporation of America website outlining third party reporting. The following delineates the audit findings regarding this standard:

115.254 The parent agency provides multiple methods for receiving third-party reports of sexual abuse and sexual harassment on the agency website at:

[www.cca.com](http://www.cca.com). The information available on the website explains how to report sexual abuse and sexual harassment on behalf of a resident. The facility takes all reports seriously no matter how they are received and investigates each reported incident. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.261:**

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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 16 and 17, section L, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.261 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.261 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center requires apart from reporting to designated supervisors or officials, staff do not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.261 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center requires medical and mental health practitioners to report sexual abuse immediately to the security staff supervisor. Medical and mental health practitioners are required to inform the residents of their duty to report, and the limitations of confidentiality, at the initiation of services. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.261 (d) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons' statute, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center reports the allegation to the designated state or local services agency. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.261 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility investigator as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.262: 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 1, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.262 Policy and staff training requires all staff to take immediate action and staff acknowledged during their interviews the requirement of all staff to protect residents when it is learned that a resident at the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center is subject to a substantial risk of imminent sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.263: 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 19, section M, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.263 (a) Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center that received the allegation notifies the head of the facility or appropriate office where the alleged abuse occurred. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.263 (b) and (c) Such notification is provided as soon as possible, but no later than 72 hours after receiving the allegation, and all actions are thoroughly documented. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.263 (d) Upon receiving a call from an outside facility that a resident had been sexually abused while in the custody of the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center the allegation is referred immediately to the facility investigator to be investigated. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

#### **Standard 115.264: 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)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 18, section M, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.264 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center policy 14-2 CC, page 18, section M outlines the responsibilities of all security staff members upon learning of an allegation that a resident was sexually abused, the first responding security staff member shall follow these guidelines:

- (1) Separate the alleged victim and abuser;
- (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (3) 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, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and

(4) 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, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.264 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 18, section M mandates when the first staff responder is not a security staff member, they shall advise the alleged victim not to take any actions that could destroy physical evidence, and then notify security staff immediately. The auditor confirmed compliance based on interviews with and training records of non-security staff. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.265: Coordinated response**

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

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 10 through 12, section G, staff interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.265 Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center has a written plan to coordinate actions taken in response to an incident of sexual abuse. A Sexual Abuse Response Team is established at this facility consisting of staff first responders, medical and mental health practitioners, investigators and facility leadership. The plan clearly defines the roles and responsibilities of each person involved and the procedures to be followed in detail. Interviews with Sexual Abuse Response Team members confirmed their knowledge of the response plan as outlined in policy.

Part of the response plan is the "Sexual Abuse Incident Check Sheet" form 14-2 CC-C which is initiated upon receiving a PREA allegation and ensures all steps in the plan are carried out in a timely manner exceeding the requirements of this standard.

### **Standard 115.266: Preservation of ability to protect residents from contact with abusers**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on interviews with the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center Administrator. The following delineates the audit findings regarding this standard:

Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does not participate in collective bargaining. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.267: Agency protection against retaliation**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 11, section 3, staff interviews, resident interviews, and documentation provided. The following delineates the audit findings regarding this standard:

115.267 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center has a policy 14-2 CC, page 11, section 3 to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff, and designates which staff members or departments are charged with monitoring retaliation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.267 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center employs multiple protection measures, such as housing changes or transfers for residents, victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.267 (c) and (d) For at least 90 days following a report of sexual abuse,

Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center monitors the conduct and treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and act promptly to remedy any such retaliation. There are periodic status checks performed and documented. Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center monitoring includes; resident disciplinary reports, housing assignments, program changes, negative performance reviews, or reassignments of staff. Such monitoring continues beyond 90 days if the initial monitoring indicates a continuing need. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.267 (d) If any other individual who cooperates with an investigation expresses a fear of retaliation, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center takes appropriate measures to protect that individual against retaliation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

#### **Standard 115.271: 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)

Based upon review of the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 21 and 22, section O, investigative staff interviews, training certificates, investigative reports, as well as interviews with the PREA Coordinator, and the Administrator. The following delineates the audit findings regarding this standard:

115.271 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center investigator conducts an investigation immediately when notified of an allegation of sexual abuse and sexual harassment. The investigative file was reviewed and it appeared that the investigation was conducted promptly, documented thoroughly, and objectively for this allegation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (b) Based on training curriculums provided, Investigators training file review, and investigative staff interviews, it was evident the facility provided, in addition to the general training received by all employees, specialized training to its investigators. This training included techniques for interviewing sexual abuse victims,

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. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (d) When the quality of evidence appears to support criminal prosecution, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center refers the case to the El Paso Sheriff's Department for the criminal investigation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (e) The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as resident or staff. The resident who alleges sexual abuse is not required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (f) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and 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. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (g) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center criminal investigations are documented by the El Paso Sheriff's Department in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (h) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center refers all allegations to the El Paso Sheriff's Department for

investigation and prosecution when warranted. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (i) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center retains all written reports for as long as the alleged abuser is incarcerated or employed by Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center, plus five years. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (j) The departure of the alleged abuser or victim from employment or control of the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center or agency does not provide a basis for terminating an investigation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (k) The El Paso Sheriff's Department conducts criminal sexual abuse investigations pursuant to the requirements of this standard. Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 21 and 22, section O, outlines the requirements of the criminal investigation and complies with all aspects of this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.271 (l) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center refers all criminal cases to the El Paso Sheriff's Department and cooperates with their investigators during the entire investigation. The facility remains informed of the progress of the investigation through communication between the facility investigator and the El Paso Sheriff's Department agent handling the case. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.272: Evidentiary standard for administrative investigations**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 23, section O and investigative staff interviews. The following delineates the audit findings regarding this standard:

Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center imposes no standard higher than a preponderance of the evidence in determining

whether allegations of sexual abuse or sexual harassment are substantiated. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.273: Reporting to residents**

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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 24 and 25, section Q, documentation provided, and staff interviews. The following delineates the audit findings regarding this standard:

115.273 (a) Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy it was confirmed that following an investigation into a resident's allegation he suffered sexual abuse in the facility, the resident was to be informed whether the allegation had been determined to be substantiated, unsubstantiated, or unfounded. The documentation provided confirmed that residents are provided this notification on the 14-2 CC-E "Inmate/Resident Allegation Status Notification" form. The residents are required to sign the form documenting acknowledgement of this notification as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.273 (b) The agency will request all relevant information from the criminal investigation conducted by the El Paso Sheriff's Department in order to inform the resident as required by this standard. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.273 (c) Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 24 and 25, section Q and documentation provided, it was confirmed that following a resident's allegation that a staff member has committed sexual abuse against a resident, the agency shall subsequently inform the resident (unless the agency has determined that the allegation is unfounded) whenever:

(1) The staff member is no longer posted within the resident's unit;

(2) The staff member is no longer employed at the facility;

(3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center; or

(4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center

The documentation provided confirmed the residents will be provided this notification on the 14-2 CC-E "Inmate/Resident Allegation Status Notification" form. The residents are required to sign the form documenting acknowledgement of this notification as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.273 (d) Following a resident's allegation they had been sexually abused by another resident, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center subsequently informs the alleged victim whenever the facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. The documentation provided confirmed that residents will be provided this notification on the 14-2 CC-E "Inmate/Resident Allegation Status Notification" form. The residents are required to sign the form documenting acknowledgement of this notification as required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.273 (e) All such notifications or attempted notifications are documented on the 14-2 CC-E "Inmate/Resident Allegation Status Notification" form. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.273 (f) Policy outlines the agency's obligation to report under this standard terminates if the resident is released from Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center custody. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.276: 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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 26, section 2, documentation provided, agency head, and PREA Coordinator interviews. The following delineates the audit findings regarding this standard:

115.276 (a) and (b) Staff are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.276 (c) Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.276 (d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement, unless the activity was clearly not criminal, and to any relevant licensing bodies. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

#### **Standard 115.277: 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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 26, section, documentation provided, agency head, and PREA Coordinator interviews. The following delineates the audit findings regarding this standard:

115.277 (a) Any contractor or volunteer who engages in sexual abuse is prohibited from contact with residents and are reported to law enforcement, unless the activity was clearly not criminal, and to relevant licensing bodies. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.277 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center takes appropriate remedial measures, and considers whether to prohibit further contact with residents, in the case of any other violation of agency

sexual abuse or sexual harassment policies by a contractor or volunteer. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.278: Disciplinary sanctions for residents**

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)

Based upon review of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 25, section R, documentation provided, agency head, and PREA Coordinator interviews. The following delineates the audit findings regarding this standard:

115.278 (a) Residents are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.278 (b) Sanctions are commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.278 (c) The disciplinary process considers whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.278 (d) All Mental Health services are offered offsite and there is no therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse offered at the facility. Therefore, this part of the standard was found to be non-applicable to this facility during this audit cycle.

115.278 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center disciplines a resident for sexual contact with staff only upon a finding that the staff member did not consent to such contact. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.278 (f) the Administrator, PREA Coordinator, and Investigator all reported that a report of sexual abuse made in good faith based upon a reasonable belief that the

alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.278 (f) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center prohibits all sexual activity between residents and may discipline residents for such activity. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.282: Access to emergency medical and mental health services**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, Administrator interview, and the PREA Coordinator interview. The following delineates the audit findings regarding this standard:

115.282 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center utilizes the University Medical Center of El Paso, Texas to ensure resident victims of sexual abuse receive timely, unimpeded access to emergency medical treatment, and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.282 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC outlines the procedures to be followed in the event of a sexual abuse at the facility. There are no qualified medical or mental health practitioners at the facility, these services are provided at the University Medical Center of El Paso, Texas. Security staff first responders take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners and arrange transport to the hospital for treatment. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.282 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center ensures resident victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally

accepted standards of care, where medically appropriate. These services are offered at University Medical Center of El Paso, Texas. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.282 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center requires that all treatment services provided to the victim are without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**Standard 115.283: Ongoing medical and mental health care for sexual abuse victims and abusers**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on the Administrator and PREA Coordinator interviews, documentation provided, and Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC. The following delineates the audit findings regarding this standard:

115.283 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center offers medical and mental health evaluations at the University Medical Center of El Paso, Texas and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.283 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center mandates that the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.283 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center provides all victims with medical and mental health services at the University Medical Center of El Paso, Texas that is a community level of care facility. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.283 (d and e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center is an all adult male facility. Therefore, these parts of this standard are not applicable.

115.283 (f) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center provides resident victims of sexual abuse while incarcerated tests for sexually transmitted infections as medically appropriate. These services are provided at University Medical Center of El Paso, Texas as determined by the treating physician. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.283 (g) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center provides treatment services to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.283 (h) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center will attempt to have a mental health evaluation conducted at the University Medical Center of El Paso, Texas on all known resident-on-resident abusers within 60 days of learning such abuse history and offer treatment when deemed appropriate by the mental health practitioners. However, as of this audit there have been no sexual abuse cases reported requiring these services. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.286: Sexual abuse incidents reviews**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on interviews with the Administrator, PREA Coordinator, Investigator, and documentation provided as well as Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, pages 20 and 21, section N. The following delineates the audit findings regarding this standard:

115.286 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.286 (b) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center ensures that these reviews occur within 30 days of the conclusion of the investigation and documents the review on the "Sexual Abuse Incident Review Report" form 14-2 CC-F. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.286 (c) The review team consist of upper-level management officials, with input from line supervisors, investigators, and medical staff. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.286 (d) The review team considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether 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 was motivated or otherwise caused by other group dynamics at the facility; and they examine the area in Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. The agency has deployed an excellent PREA after action review form which addresses all elements of the standard. Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center conducts an incident review for all cases and reviews all findings telephonically with the agency wide PREA Coordinator for additional clarification and guidance. Therefore, the facility exceeds the intent of this part of the standard.

115.286 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center shall implement the recommendations for improvement, or shall document its reasons for not doing so. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.287: 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)

Based on interviews with the Administrator, PREA Coordinator, and documentation provided as well as Corrections Corporation of America - El Paso Multi Use Facility

and Transitional Center PREA policy 14-2 CC page 27, section T. The following delineates the audit findings regarding this standard:

115.287 (a), (b) and (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.287 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.287 (e) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center does not contract its residents to other facilities. Therefore, this part of the standard was found not applicable during this audit cycle.

115.287 (f) Upon request, Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center provides all such data from the previous calendar year to the Department of Justice no later than June 30 when required. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.288: 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)

Based on interviews with the Administrator, PREA Coordinator, and documentation provided as well as Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 115.288. The following delineates the audit findings regarding this standard:

115.288 (a) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center reviews data collected to assess and improve the effectiveness of

its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective actions for each facility, as well as Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center as a whole. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.288 (b) Such reports includes a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center's progress in addressing sexual abuse. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.288 (c) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center's report is approved by the Administrator and made readily available to the public through the Corrections Corporation of America website located at: [www.cca.com](http://www.cca.com). Therefore, the facility demonstrated compliance with this part of the standard during this audit.

115.288 (d) Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility, but must indicate the nature of the material redacted. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

### **Standard 115.289: 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)

Based on interviews with the Administrator, PREA Coordinator, and documentation provided as well as Corrections Corporation of America - El Paso Multi Use Facility and Transitional Center PREA policy 14-2 CC, page 27, section T. The following delineates the audit findings regarding this standard:

115.289 (a) through (d) Corrections Corporation of America agency PREA Coordinator makes all aggregated sexual abuse data, from facilities under Corrections Corporation of America direct control readily available to the public at least annually through the agency website: [www.cca.com](http://www.cca.com).

According to Correction Corporation of America's Retention Schedule (1-15-B) all

reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or Local law requires otherwise. Therefore, the facility demonstrated compliance with this part of the standard during this audit.

**AUDITOR CERTIFICATION:**

I certify that:

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

Rodney P. Bivens  
Auditor Signature

June 17, 2016  
Date