

Audit Findings

Audit Narrative

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

The Prison Rape Elimination Act (PREA) audit of the Cumberland County Jail in Portland, Maine, was completed by U.S. Department of Justice Certified Auditor Jack Fitzgerald of Wallingford, CT. The Cumberland County Sheriff's Office (CCSO) who is the parent agency, entered the audit process of its facility's compliance with the standard requirements of the Prison Rape Elimination Act. The Auditor and Cumberland County began discussions in 2020 for potential dates in 2021 for the facility's second PREA audit. The agency agreed to an audit April 2021 audit date due to Covid-19 precautions; the audit was moved to July 26-28, 2021.

Cumberland County Sheriff's Office has a long history, having served the people of southern Maine since 1760. The Sheriff's Office is responsible for providing direct or supports local law enforcement services in 28 communities. Cumberland is the state of Maine's largest county by population, with approximately 290,000 individuals. The Cumberland County Jail (CCJ), operated by the Sheriff's Office Correctional Division, is located in the City of Portland, Maine, and services three county courts. CCJ is a co-correctional environment with over 3600 admissions during the pandemic with a daily census of approximately 325 inmates per day.

The Auditor began the pre-audit phase of reviewing information to determine compliance in April of 2021 in advance of the original dates and then began to review files prior to the June onsite period. The Auditor provided a PREA Audit notice to be placed in areas of the facility that allow inmates, staff, and visitors information about the audit purpose and the Auditor contact information. The CCJ provided the Auditor photos of the posting up throughout the facility. The postings offered information in English and Spanish (the two most common languages spoken at CCJ), did not result in any correspondence. The pre-audit process included a thorough review of policies, training materials, facility floor plans, educational videos, organizational charts, and written materials and documentation that supported the facility's efforts to comply with the various indicators of each standard. The files were well documented and organized, and uploaded to the Power DMS web-based file management system. The PREA Coordinator provided documentation of compliance with all standards back to the previous audit cycle. The facility PREA Coordinator also provided the Pre-Audit Questionnaire. During the pre-audit review process, the Auditor and the facility PREA Coordinator spoke by phone and email. This allowed the Auditor to get a clearer understanding of the agency's effort to protect, detect and respond to sexual violence. Information was provided in advance of the site visit, while other information was provided to the Auditor during the site visit. To help expedite the process on-site, the Auditor picked dates of video to show supervisory tours in advance, along with the inmate files and staff files needed to complete a sampling of the population. The Auditor provided the agency with a tentative idea of the audit day, including approximate times on-site and the list of targeted populations that would need to be identified. The Auditor encouraged the agency to use the information online about the audit process to work with staff, so they had an increased level of comfort regarding the audit process and what to expect.

The Auditor arrived in southern Maine on June 25, 2021, in preparation for the audit. The Auditor arrived at the facility at 7:45 am on June 26th. PREA Coordinator Christopher Bisson greeted the Auditor. Out of an abundance of caution during the COVID-19, the Auditor was screened and wore a surgical mask throughout the visit. The Auditor was required to provide identification as part of the signing-in process and was given a copy of the facility PREA brochure, which is consistent with documentation noted in the files. Everyone entering the facility also signs a document the further informs individuals about the Prison Rape Elimination Act.

After some informal interactions with staff, the Auditor was escorted to an administrative conference room next to the Jail administrator’s office that would be the primary interview space for staff. The Auditor was invited to speak to key staff in the facility training space. In attendance were Mr. Bisson; Thomas Witham, Accreditation Assistant; Matthew Steinback, Health Services Administrator; Bill Prout Executive Assistant; and Captain Don Goulet. The Auditor thanked the facility for their work in preparation for the Pre-Audit tool and supporting documentation. The Auditor then went on to explain his background and experience in Auditing, the goals of the Audit, and what to expect throughout the 3 full day process. The Auditor reviewed the tentative schedule, tours, interviews, supporting documentation verifications, and he expected to be on-site for about 30 hours over the 3 days. The Auditor was on-site a total of 31.25 hours in the three days (Day 1 7:45am-8:00pm, Day 2 7:30am-6pm, Day 3 6:00am-2:30pm), allowing for staff and inmate interactions across the shifts. The Auditor finished the meeting by reviewing the fairness of the process, the reason for the random selection of interviewees, and how the Auditor formulates conclusions in determining compliance

The Auditor worked with the Agency PREA Coordinator to identify the key staff who would make up the administrative interviews and the specialized interviews. The Cumberland County Sheriff’s Office does not contract beds to any other institutions.

Administrative interviews	
Agency Head	Sheriff Kevin Joyce
Jail Administrator	Major Timothy Kortez
PREA Coordinator	Christopher Bisson
Contract Administrator	N/A – the agency does not contract for beds

The Auditor utilized regional resources identified by the facility to address specialized interview topics that the agency does not employ, such as SANE nurses. The goal of this process was to ensure enough resources were available to the clients in the event of a sexual assault. The Auditor received information by email or through direct communication with individuals outside CCJ and completed web searches to assist in determining standard compliance. The Auditor also did web-based searches for news stories, state laws related to mandated reporting. State required protocols for sexual assault case handling and SAFE/SANE Certification process requirements.

The Agency does not employ individuals who provide SAFE or SANE services. Two Local Hospitals both confirmed the availability of SANE nurses. Where appropriate, the Auditor utilized information from random staff interviews to help in the determination of compliance in his review of standards. As a law enforcement entity, the Cumberland County Sheriff’s Office has assigned two individuals who have completed training on Investigating Sexual Abuse in a Correctional Setting to complete all criminal and administrative investigations at the Cumberland County Jail.

Specialized Staff Interviews	
Positions described in standards	Title or agency that provided information to answer required questions.

Medical Staff	Armor Medical staff Maine Medical Center Mercy Hospital
Mental Health Staff	Armor Mental Health Staff
Individuals who have done cross gender searches	No staff have completed cross-gender strip or pat searches.
Intermediate or Higher-level supervisor	Sergeants Lieutenants
Individuals Working with Youthful inmates	Not Applicable – CCJ does not service youth under 18 (All Juvenile arrests go to Mountain View Youth Development Center in South Portland)
Administrative Staff	Cumberland County Human Resources Department (files) Cumberland County Sheriff's Office Lieutenant (Background Investigations)
SAFE/SANE	Maine Medical Center Mercy Hospital Maine Department of Health and Human Services Representative
Volunteers or Contractors who have contact with inmates	SARSSM - Armor
Investigative Staff	Cumberland County Sheriff's Office Lieutenant and Deputy
Screening Staff	Intake Officer Medical Staff Classification Supervisor
Intake Staff	Intake officer
Local Rape Crisis Agency	Sexual Assault Response Service of Southern Maine (SARSSM) Maine Coalition Against Sexual Assault (MECASA)
Individuals responsible for retaliation monitoring	PREA Coordinator
First Responder	Random staff

After completing the meeting, PREA Coordinator Christopher Bisson and Thomas Witham, Accreditation Assistant, and Auditor, toured the facility. The Auditor was able to visit all areas in which inmates had access, including housing units, medical, educational, kitchen area, Mental health offices, intake, recreation, and dietary. During the tour, the Auditor was able to speak informally with 25 custody/program staff, including Medical/ Mental Health staff and supervisory staff members. The Auditor also was able to informally speak directly with over two dozen inmates who were out in the facility or in their rooms while touring. The Auditor walked by every cell in the open units on both the top and bottom tiers to make observations on lines of sight, bathroom accommodations, and shower facilities. The Auditor also addressed large portions of the population about why the audit was happening and that some individuals would be randomly selected to participate in an interview process if willing. The Auditor asked inmates to show key elements of reporting a PREA concern and accessing the information on housing Kiosks in English and Spanish. After completing the tour, the Auditor began the process of interviewing inmates during the remainder of day 1 and a portion of day 2. The Auditor

was provided by the PREA Coordinator a list of inmates by housing unit. He was able to interview twenty-six inmates, including inmates from each of the housing units. The Auditor was also provided with a breakdown of individuals in targeted interview groups. The auditor initially selected 31 names across different housing units and encompassing different targeted groups. Of the 31 inmates picked, two were released, three refused, and 26 completed interviews, including 13 targeted individuals. Thirteen individuals from targeted populations included inmates who identified as LGB, an inmate who initially identified as transgender, inmates with physical disabilities, an inmate with hearing concerns, an LEP individual, and an inmate with site disabilities. The targeted population also included two individuals who had previously reported a PREA concern. Each inmate was given information on the purpose of the audit, the types of questions to be asked, the level of confidentiality, and if the auditor needed to site concerns how he would protect their identity.

During day 2 and day 3 the Auditor was able to interview 12 random staff across all shifts and an additional group of specialized staff members including intake, screening, medical, mental health, investigators, mid-level supervisors (Sgt/LT.), grievance, and staff who supervise work crews. In both the staff and inmate interview process, the Auditor attempted to pick a diverse population. Human resources file reviews and interviews were done in two parts. The first part was completed with County Human Resources staff who had permanent records to be viewed at their office. The second half of the Human Resources was completed with CCSO Lt. Joel Barnes who completes all staff pre-employment screening. The correctional staff are screened in the same way as the law enforcement staff for Cumberland County Sheriff's Office. Cumberland County Sheriff Lt. Barnes and Deputy Cheryl Holmes complete all PREA allegations investigation with Lt. Barnes taking the lead on allegations of staff misconduct. Deputy Holmes reviewed the investigative files with the Auditor.

At the close of the third day, the Auditor completed an out briefing with Jail Management and key staff. In attendance were Jail Administrator Timothy Kortez; Executive Assistant Bill Prout; Administrative Sergeant Dani Spence; Captain Craig Smith; Captain Don Goulet; PREA Coordinator Chris Bisson; Accreditation Assistant Thomas Witham and Health Service Administrator Matthew Steinbeck. The Auditor thanked the facility for a supportive audit process by which staff and inmates were easily accessible. He thanked the administration for their assistance with the audit process especially given the additional challenges caused by the COVID-19 pandemic. The Auditor remarked on the positive steps the agency has done to support a zero-tolerance environment and the consistent messages from staff and inmates confirming these steps. Inmates consistently reported that PREA was not a concern for them at the Cumberland County Jail. Inmates also reported that staff were accessible if concerns arose, knew how to report a concern, and felt that the staff would keep them safe from any retribution.

Facility Characteristics

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

The Cumberland County Jail is located in the urban center of Portland, Maine, just off the highway and close to two local hospitals. The County Way property houses the Cumberland County Sheriff's main office from which the patrol division operates. The Jail Population is divided between the full secure Jail

and staff secure Community Corrections Center (which is currently closed). At full capacity, the jail can house up to 570 inmates. The average population combined for the 12 months prior to the site visit was 325. The co-correctional population had an age range from the youngest inmate at 18 to the oldest at 84 years. In addition, to housing both male and female inmates, the CCJ houses individuals with diverse criminal charges. As such, those individuals with lesser charges may be released quickly, while others awaiting trial for serious charges may stay months or even a year. The average length of stay reported by the facility is under three weeks. The facility employs 154 custody, administrative, and contracted staff to manage the population. The day-to-day operations is overseen by Lieutenants and Sergeants who perform routine unannounced rounds of the facility and respond to inmate crisis situations. Lieutenants have office space near the control room, and the Sergeants have offices outside the living units at each end of the building. The facility is designed with long straight corridors providing good lines of sight and limited blind spots.

The Jail has 10 distinct housing units and the capacity to house in the infirmary and intake areas. Each of the housing units are two stories with cell on two or three walls. The individual cells include a correctional toilet/sink. Not all units were in use due to the pandemic reduction in arrests and the need to keep space available to separate individuals in an outbreak from the general population. During the audit tour, the Auditor went to each floor and past all doors to ensure Inmates who were in their cells had an opportunity to ask questions if they chose. Each unit has a duty station for the staff with a half wall allowing staff to sit in with good site lines. The larger units have a full 360 degrees view from this area. During the tour, staff spoken to on these units and observed make random and staggered tours of the inmates in cells. The Showers on these units are all individual and have opaque half doors that provide privacy but allow for distance supervision. The population comes out of cells for defined times on each shift by floors in each pod for recreation and mealtimes which are served in the unit. The units have small adjoining outdoor recreation areas, and there is a gymnasium that is staffed. The Inmates who are identified for vocational and mental health programming are completed off the unit. Each unit has small meeting rooms that professional visits may occur. The rooms have doors with large vision panels that allow the staff to make observations while providing a level of confidentiality. During the pandemic, outside education and volunteers' services have been limited. Armor Health Services of Miami, FL, oversee the Medical and Mental health needs.

On the Audit days, no inmates were housed in two units, and no inmates were housed in the intake area. Each unit has a TV on which the PREA video is shown weekly. The units also have information boards that have PREA and ICE information. Each unit includes a kiosk with the inmate handbook (including PREA Information) in electronic format in both English and Spanish. The facility has added 4 cameras in the Community Corrections facility in preparation for reopening the facility. The well-surveilled facility has a central control station which is manned by two staff who track the movements of the population and radio movements and assistance when needed. Staff were in tune with inmate issues and behaviors that support a safe environment and assist in identifying potential concerns. Inmates supported PREA is not a concern for most of them, and they believe the agency would investigate an allegation if they filed a complaint. Inmates at CCJ have access to tablets that provides access to PREA information, including the handbook and video. The Tablets also allow for more confidential communication than the use of the unit's payphones.

The intake processing area is staffed 24 hours per day with custody and medical staff, and they process about 70 admissions per week during COVID-19. The intake area is also the location from which inmates are transported to outside court proceedings. It has a holding area that has the PREA video shown to all intakes. The medical unit has four rooms that allow for close observation of individuals with medical or mental health concerns. Correctional Officers are posted in the medical area during the shift.

The Kitchen is the largest employer with 15 inmates working per shift. The Supervisors' office is elevated to allow better vision, and a correctional staff is present and also moving about observing inmates in multiple areas. There is one central gym and a library that inmates can go to for recreational outlets. The facility also has transportation teams that can take inmates to a medical specialist outside the facility as needed and to court. Court has been doing mostly remote hearings during the pandemic. Inmates are placed in a room with a camera so they can participate in the court process. Noncontact visitation rooms are off the front entrance of the facility. The Administrative area of the Jail houses the Jail Administrator's Office, the Administrative and Operational Captains Offices, the PREA Coordinator's office, a conference room, a training space, and other support staff offices



Summary of Audit Findings

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

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

Number of Standards Exceeded: 1

115.11

Number of Standards Met: 44

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Number of Standards Not Met: 0

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Summary of Corrective Action (if any)

There were no immediate corrective actions required. The facility made adjustments to concerns they had identified in two closed housing units that could impact privacy from cross-gender views. The Cumberland County Jail made the changes and provided photo documentation to the Auditor of the improvements.

PREVENTION PLANNING

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

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

115.11 (a)

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

115.11 (b)

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

115.11 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Cumberland County Organizational chart

Memo reclassifying PREA Coordinator 2019

Memo from Sheriff naming PREA Coordinator 2015

Command Meeting Minutes

Individuals interviewed/ observations made.

Interview with PREA Coordinator

Interview with Sheriff

Interview with Jail Administrator

Summary Determination

Indicator (a) The Cumberland County Sheriff's Offices has developed an agency-wide policy to ensure compliance with the Prison Rape Elimination Act. PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA was written to address the various requirements of the standards. The 28-page policy is set forth a zero-tolerance expectation for any sexual misconduct by inmates, staff, contractors, or volunteers. Page two of the policies set forth the zero-tolerance condition, and this initial portion of the policy defines sexual misconduct consistent with the federal terms in PREA. "The Cumberland County Sheriff's Office (CCSO) takes a zero-tolerance stance toward all forms of sexual abuse and sexual harassment and outlining the CCSO's approach to preventing, detecting, and responding to such conduct." The policy uses definitions consistent with the federal definition and outlines the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment incidents. The policy states there is no consensual contact between inmates and staff or prohibits all sexual activities. It further identifies screening, education, monitoring, and other elements supporting prevention, allowing for detection, and ensuring a full legal and medical response to any complaint. The Cumberland County Jail staff showed knowledge consistent with training materials about their role in preventing, detecting, and responding to sexual assault claims. In addition, posters throughout the facility remind inmates and staff of the zero-tolerance expectation. Random inmates reported that Cumberland County Jail is a PREA safe environment and support a Zero Tolerance Culture exist.

Indicator (b). The Cumberland County Sheriff's Offices has only one facility for individuals awaiting trial or placement post-sentencing. The 50 County Way facility has a hardware secure environment and a staff secure community corrections building. The facility closed the community confinement center during the COVID-19 outbreak. PREA policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA defines the role of the PREA Coordinator. "The CCSO shall employ or designate an upper-level, agency-wide, PREA Coordinator with sufficient time and authority to develop, implement, and oversee the CCSO's efforts to comply with the PREA standards in all of its facilities)." The policy on subsequent pages to defines the duties of the PREA Coordinator to include coordinating and developing procedures to identify, monitor, and track sexual misconduct incidents and retaliation occurring in the CCJ. The role is recognized within the agency administrative chart, and meeting agendas with top correctional officials support access to key decision-makers. Interviews with the PREA Coordinator, Jail Administrator and the Sheriff confirmed he has sufficient access to key agency administrators to influence policy and resources to ensure PREA safe environments. The facility has a PREA Coordinator, Chris Bisson, who was named to the position by Sheriff Joyce in 2016. The position as noted, is agency flow chart reporting to the head of Security and Operations who reports directly to the Jail Administrator. Since the CCSO only runs the one facility element (c) of this standard does not apply. The Sheriff reports the PREA Coordinator is part of weekly staff meetings and that

PREA and compliance issues are part of routine discussions in this meeting and with the Jail Administrator.

The Auditor was provided meeting minutes supporting the PREA Coordinator's direct access to agency leadership.

Indicator (c) The indicator does not apply as the Cumberland County Sheriff's Office only has one facility.

Compliance Determination

The Cumberland County Sheriff's Office has policies that support compliance by defining the steps taken to prevent, detect, and respond to sexual abuse and sexual harassment incidents. The agency's PREA policy (A-144) also addresses prohibited behaviors and sanctions for any form of sexual misconduct. The policy and other documents provided to the Auditor define the roles of the PREA Coordinator. The interview with the agency PREA Coordinator confirmed his roles to ensure PREA Compliance is maintained. Mr. Bisson believes he has the capacity in their jobs to advocate for policy or procedural changes needed to support inmate safety. This was confirmed with the Jail Administrator and the County Sheriff. Observations on tour supported further support the role and familiarity of staff and inmates with the PREA Coordinator. The above-mentioned items support compliance with the expectation of this standard. The Auditor believes the facility and agency have exceeded the expectation in several ways. Interaction with management at varying levels in the organization supports the importance of the PREA Coordinator and the agency's commitment to ensure a zero-tolerance culture exists. The documentation of PREA files reviewed by the Auditor supports a consistent effort to ensure ongoing compliance. In many instances, the Auditor was shown compliance documents across three years. The agency has also looked in was to continue to support improving the inmate's ability to have access to PREA information and the ability to confidentially report concerns. The Cumberland County Jail has invested in tablets for inmates to use with included access to the handbook, PREA educational and reporting materials, and can be used to make discrete notifications to a staff of PREA concerns. Compliance is based on interviews with staff, agency leaders, the documentation provided, policy. The Auditor also considered the interviews with inmates who clearly support a zero-tolerance culture exists. The Auditor finds the facility exceeded expectations, as evident in three years of documentation shown in each file. The documentation supports the Auditor's perception that PREA is a daily consideration. Other factors considered in determining an exceed finding was the agency's investment in technology to expand inmates' access to PREA information and improved confidential reporting through tablets. The Auditor also considered, and the inmates in a population of over 300 often knew the PREA Coordinator by name, further supporting access.

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

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

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on

or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) Yes No NA

115.12 (b)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Jail Administrator

Summary Determination

Indicator (a) Cumberland County Sheriff's Office does not contract for the holding of inmates with any other institution.

Indicator (b) Cumberland County Sheriff's Office does not contract for the holding of inmates with any other institution.

Compliance Determination

The facility does not contract with other entities to provide for the confinement of inmates currently. The CCSO PREA policy addresses the standard requirement for any future consideration of contracted beds. It states on page 3 of A-144 the following, "Contracting with other entities for the confinement of inmates

a) The CCSO contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, and shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.

b) Any new contract or contract renewal shall provide contract monitoring to ensure that the a contractor is complying with the PREA standards.”

This standard is compliant as the indicators do not currently apply. The Auditor also considered policy language in place, and the Jail Administrator's understanding of the requirements supporting expectations are in place for any future contracting.

Standard 115.13: Supervision and monitoring

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

115.13 (a)

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

- Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring? Yes No NA
- Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring? Yes No

115.13 (b)

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

115.13 (c)

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

115.13 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
 PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
 PRO A-118 Staffing Levels
 Memo Confirming no deviation from minimum
 Annual staffing plan review 2018,2019,2020
 Supervisor Rounds 2019,2020,2021
 Staff Schedules
 Camera locations

Individuals interviewed/ observations made.

Jail Administrator
 Sheriff
 PREA Coordinator
 Supervisory Staff (LT, Sgt.)
 Observation on tour of electronic logbooks and Supervisory movement onsite
 Interview with control officers
 Interview with Inmates
 Allegation Tracker

Summary Determination

Indicator (a) Cumberland County Sheriff’s Office (CCSO) and Cumberland County Jail’s (CCJ) PREA Policy A-144 sets forth the requirements of what should be considered in the assessment of needs in determining a staffing plan that considers PREA standards. Page 7 of the policy describes the various things that should be considered in the development of a plan consistent with this indicator. “In calculating adequate staffing levels and determining needs for video monitoring the following, along with any other relevant factors, shall be taken into consideration:

- a. generally accepted correctional practices;
- b. any judicial findings of inadequacy;
- c. any findings of inadequacy from federal investigative agencies;
- d. any findings of inadequacy from internal or external oversight bodies;
- e. all components of the physical plant (including “ blind-spots” or areas where staff or inmates may be isolated);
- f. composition of the inmate population;

- g. number and placement of supervisory staff;
- h. institutional programs occurring on a particular shift;
- i. applicable state or local laws, regulations or standards;
- j. the prevalence of substantiated or unsubstantiated incidents of sexual abuse; and
- k. any other relevant factors .“

Interviews with the Jail Administrator and the PREA Monitor describe the development process used to complete the annual assessment of staffing. The Jail Administrator reports there were no judicial, federal, or oversight bodies' findings of inadequacies. He also confirmed the facility has not operated under the minimal staffing level, and there is a daily report which he receives that tracks staffing allotment. The staffing plan is based on 536 maximum, minimum, medium, and community confinement Inmates. In the last year, with the pandemic, the facility has reportedly averaged just over 320 Inmates. The 14-page plan provided to the Auditor includes a narrative description of things considered in the development of staffing for CCJ, a schematic of the institution, and a description of staff deployment. The Auditor was also provided staffing schedules for custody, administration, contractors, and programming onsite to be able to verify staffing. CCJ staffing policy A-118 also supports a staffing plan when it states, “An approved staffing plan will be utilized to provide sufficient certified correctional staff to perform all functions related to the security, custody, programs and supervision of all inmates and the operation of the Corrections Department. The transfer, assignment and selection of employees will be made on the basis of facility need and the ability of the employee to perform the job.”

Indicator (b). The indicator is N/A as CCJ has not failed to comply with the staffing plan in the past three years. The staffing plan for the Cumberland County Jail allows the management to adjust the deployment of staff as needed and in response to critical positions. When staff call out there is an ability to mandate staff to ensure the overall safety of Inmates. The Jail Administrator would be notified of all critical events, including any situation impacting staffing minimums. The Shift Lieutenants who run the operations are responsible for finding coverage and documenting the changes and any justification for why minimums were not met. Inmates' support staff are always available to them and did not voice a concern about a lack of staffing at any time. If for any reason the Jail can not meet minimums policy A-118 reports assistance would be requested from the state Department of Corrections.

Indicator (c) In Policy A-118 the Cumberland County Jail has set forth an annual review of the staffing of the Jail. It states, “The Jail Administrator shall provide the Sheriff with an annual Staffing Inventory to include all security, custody, program, support and administrative positions. Staffing for medical is assessed during the bid process when selecting a private contractor to provide inmate medical service. The Jail Administrator will make recommended personnel changes to provide all programs services and staffing support for the jail and the offender population in coordination with the annual budget. A staffing analysis shall be conducted annually, establishing a staffing plan detailing the number of officers necessary to ensure a safe and efficient running facility for round-the-clock coverage 365 days a year. The Compliance Manager shall take part in the review.” The Auditor was provided with the annual reviews of the staffing. Interviews with the Sheriff, Jail Administrator, and PREA Coordinator support a collaborative review process at the institutional and agency level. The PREA Coordinator is the ‘Compliance Manager’ listed in the policy. The Annual review documents also go over blind spots in the environment and compare to incidents to determine if any adjustments to the assignment of staff, positioning of cameras, mirrors, etc. or the need for additional monitoring technology. Discussion on tour supported the steps taken in the past three years in staffing deployment and the use of monitoring technology. Like other agencies, the CCJ has had to adjust during COVID-19 to how the house Inmates and thus assign staffing. The PREA Coordinator confirmed his consultation in interview and documents reviewed by the Auditor shows the PREA Coordinator involved in the 3 prior years report development. The Jail Administrator confirmed staffing is reassessed throughout the year as needs are identified.

Indicator (d) The Auditor was provided with documentation to support routine unannounced rounds are made by supervisory staff. CCJ PREA policy A-144 (page 8) describes the expectation of Supervisor unannounced tours consistent with the indicator's requirements. “It is the CCSO policy and practice to

have intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice is implemented for night shifts as well as day shifts, as well as prohibits staff from alerting other staff members that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility. The unannounced round, conducted by a Sergeant or Lieutenant, will be documented in the Spillman Log using the Spillman Event Type "Supervisor Unannounced Round" (SUPU). The supervisor on their respective shift shall conduct at least one unannounced round in a housing unit, in their area daily, and over the course of the week, make sure all units in their area are entered for an unannounced round. The unannounced round will be in addition to the start and end of area supervisor rounds" The Auditor was able to review logbooks during the tours of each housing unit to confirm the practice while on tour. The Agency provided documentation from the Spillman logs for the past three years. To ensure consistency, the Auditor requested documentation and video that supports the actual tours that occurred. The Auditor also confirmed, with the line officers working the units and the control areas, that these tours do occur and that it is prohibited to notify fellow staff of the tour. Supervisory staff, including Sergeants, Lieutenants and Captains, spoken with during the course of the audit supported random tours are completed. The individuals spoken with describe varied routes are taken on the tour to limit predictability.

Compliance Determination

The Cumberland County Sheriff's office and the Cumberland County Jail have two policies that address the requirements of the four indicators in this standard. Policy A-118 Staffing Levels and A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA sets forth requirements of the staffing plan, the requirements for documentations of staffing deviations, the requirement of unannounced supervisory rounds and the annual review of staffing needs. The CCJ has developed a plan in a narrative format that addresses the various considerations in indicator (a). The facility is not under any current judgment for inadequacy. The plan is reviewed annually with Jail administration and then a request would go to the Sheriff's Office for staffing needs or technology upgrades. The agency has also invested in technology to support supervision and limit related PREA complaints. The facility utilizes cameras in addition to the active supervision of Inmates. Captains, Lieutenant and Sergeants complete tours of the entire complex several times per shift. In addition to custody staff, medical, mental health, education, trade, and vocational staff provide additional supervision and observation of Inmates' behaviors during the day. The standard is found to be compliant based on the information provided and observations made while at the facility. Interviews with the Sheriff, Jail administrator, and the PREA Coordinator support an understanding of the standard elements and consistent practice within their policies. Formal and informal interviews with inmate's support there is always staff including supervisors available.

Standard 115.14: Youthful inmates

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

115.14 (a)

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

115.14 (b)

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

115.14 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Maine DOC website on Long Creek Youth Development.

Individuals interviewed/ observations made.

Interview with PREA Coordinator

Interview with Intake staff

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office would not detain juveniles arrested under the age of 18 at the Cumberland County Jail. The state of Maine requires juveniles to be held in a state facility under the Juvenile Justice portion of the Department of Correction.

Indicator (b) The Cumberland County Sheriff's Office would not detain juveniles arrested under the age of 18 at the Cumberland County Jail. The state of Maine requires juveniles to be held in a state facility under the Juvenile Justice portion of the Department of Correction

Indicator (c) The Cumberland County Sheriff's Office would not detain juveniles arrested under the age of 18 at the Cumberland County Jail. The state of Maine requires juveniles to be held in a state facility under the Juvenile Justice portion of the Department of Correction

Compliance Determination

The standard is compliant. None of the indicators currently apply. As stated, the Cumberland County Sheriff's Office Jail does not house youthful inmates (individuals under 18). In Maine, all youth under 18 would be housed as Juveniles at the Long Creek Youth Development Center in the adjoining city of South Portland. The Long Creek Facility is under the direction of the juvenile justice division of the Department of Corrections. As such, there were no individuals with whom the auditor could interview about sight and sound separation issues or housing or programming issues. The Auditor confirmed the lack of juveniles through direct observation on the tour, the client population sheet, and through interviews with the PREA Coordinator and Intake staff. The Auditor also reviewed the Maine DOC website for information on Long Creek YDC.

Standard 115.15: Limits to cross-gender viewing and searches

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

115.15 (a)

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

115.15 (b)

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

115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? Yes No

- Does the facility document all cross-gender pat-down searches of female inmates?
 Yes No

115.15 (d)

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

115.15 (e)

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

115.15 (f)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO D-243A Transgender and Intersex Inmates

PRO D-220 Search Procedures

Maine Justice Academy Training Materials of searches

Guidance on Cross Gender and Transgender pat search.

Memo for past three years documenting cross gender searches

Documentation of Cross gender announcement over the past years

Maine Attorney General guidance on body cavity searches

Individuals interviewed/ observations made.

PREA Coordinator

Jail Administrator

random Staff

random Inmates

Summary Determination

Indicator (a) The Cumberland County Jail PREA policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA prohibits cross-gender strip searches of inmates except in emergency situations. It sets forth a practice that searches, in general, should be conducted with two staff present but only one performing direct observation who should be the same gender as the inmate. The CCJ Search Procedure policy D-220 also addressed the indicator concerns of strip prohibitions on the cross-gender strip or visual body cavity search. The policy states, "Strip searches will only be conducted by staff members of the same sex as the inmate being searched. These searches shall only be conducted in an area completely free of members of the opposite sex. If an inmate identifies as Transgender, refer to policy D-243A, Procedure D." The transgender policy states, "All searches of the transgender inmate's person will be done by an officer of the gender requested by the transgender inmate, unless after review by supervisor it can be articulated in an informational report why search was not done by an officer of the gender requested." The Search Policy also affirms that body cavity searches should only be completed by physicians. "Conducted by a licensed physician, physician's assistant, nurse practitioner or registered nurse of the same sex as the inmate and in the presence of only the number of staff of the same sex as the inmate, necessary to witness the removal of contraband and maintain security/protection".

Indicator (b) PREA policy A-144 (page 8) states, "The CCSO shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. All such searches shall be documented. Interviews with female inmates supported that there is no opportunities that were prohibited from participating in due to the lack of female officers.

Indicator (c) PREA policy A-144 (page 8) states, "The CCSO shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. All such searches shall be documented." All exigent circumstances of cross-gender pat searches of females are documented as to the reason with a copy sent to the PREA Coordinator. The PREA Coordinator provided the Auditor annual summary reports that confirm two instances of cross-gender pat searches of female inmates in the past three years. The Auditor was able to see the area used for initial strip searches done as part of the intake procedures and get a description of the process. The areas are enclosed areas with opaque saloon-style privacy doors to limit staff observations to the points where the inmate disrobes. The staff are positioned outside the door on camera while the inmate in in the area behind the privacy door off-camera. Once the observation is complete, the inmate gets changed in the area's privacy as the staff steps further back.

Indicator (d) CCJ PREA Policy A-144 covers the expectation of this indicator and provides operational expectations across the institution. “All inmates shall be able to shower, perform bodily functions, and change clothing without a nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit. The pod officer will announce any time an opposite-gender person enters a housing unit (B-1, B-2, B-3, C-1, C-2A, C-2B, C-3, A-pod); however, requiring the announcement only when an opposite-gender person enters a housing unit where there is not already another cross-gender person present. The announcement will be documented in the Spillman Log using the Spillman Event Type “Male in the Pod” (MIP), or “Female in the Pod” (FIP). This announcement needs to be done upon entrance of the pod, no announcement needs to be made when an opposite-gender person leaves the unit. Staff assigned to the Special Housing Unit will announce their presence upon entering an opposite-gender small dayroom every time they enter. Staff assigned to the Community Corrections Center will announce their presence upon entering an opposite-gender wing every time they enter the wing. These announcements in the Special Housing Unit and the Community Corrections Center don’t need to be documented in the Spillman Log.” The Auditor was provided copies of the Spillman log as examples of the process and reviewed the log entries on tour. The Auditor also observed staff announcements on the tour and confirmed with inmates their ability to shower or use restroom facilities without opposite gender staff seeing them. No Inmates reported ever being naked in front of opposite-gender staff. The units have wet rooms and showers on each tier of the housing unit. The showers have privacy doors to protect inmates from having the chest, buttocks or genital areas from view. In one closed unit the PREA Coordinator and the Auditor discussed a potential privacy issue with one shower requiring an extension of material the covers the top from anyone climbing the nearby stairs. This is an area the agency had already begun to address by adding material above the showers. A second issue was discovered on the tour of a closed unit where one of the privacy door’s opaqueness was less effective when the shower lights were on. Both issues on privacy concern were resolved in the post-audit period. The PREA Coordinator provided the Auditor with photo evidence of the adjustments made.

Indicator (e) The Cumberland County Jail has several policies that address the expected practices for searching transgender or intersex inmates. Policy D-243A Transgender and Intersex Inmates sets forth the requirement that transgendered individuals are not searched for the purpose of determining genital status. “The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate’s genital status. If the inmate’s genital status is unknown, it may be determined during conversations with the inmate, reviewing medical records, or if necessary, by learning that information as part of a broader medical examination conducted in private by medical practitioner.” Intake staff know that strip searches for the purpose of identifying genital status are inappropriate and that they would find out information through interviews. Once the Intake staff completes their portion of the intake, inmates are seen by Armor Health Nursing staff who will ask questions that may aid in identifying the individual's gender and comfort with what staff the inmate would prefer to complete their search. CCJ reports no cases in which a transgender or intersex inmate was searched to determine genital status. Intake staff interviewed stated that if the client were resistant to discussing the topic, they would be referred to the medical staff who the inmate may be more comfortable. All inmates spoken with supported they would not get disciplined for not answering questions during the intake about sexuality or prior abuse history. Due to the lack of transgender or intersex individuals in the current population, the Auditor was unable to ask inmates if they perceived that they had been searched to determine genital status.

Indicator (f) The Cumberland County Jail trains all staff to be respectful, professional, and in the least intrusive practice possible for searching Inmates. All Jail staff are trained to routinely use the back of their hand instead of the front when completing pat searches. The Maine Criminal Justice Academy, which provides certification to all correctional officers in the state, provides training on completing

cross-gender searches and working with LGBTI Inmates, the training talks about communication that is professional and supportive of the inmate. The training addresses the frequency of trauma in this population and how the facility can determine housing and search preferences through a multi-disciplinary process, including the inmate's preference for searches. CCJ refreshes periodically on these procedures. The Auditor was provided with records showing staff training. Staff interviews supported the training, including physically performing cross-gender pat searches and the importance of communication before touching the inmate. Staff were aware that transgender or intersex Inmates will have a say in the gender staff who they prefer to complete pat and strip searches.

Compliance Determination

The Cumberland County Jail has several policies to address the various elements in this standard, including PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA, PRO D-243A Transgender and Intersex Inmates, and PRO D-220 Search Procedures. These policy elements direct staff consistent with the standards on pat search, strip searches, inmate's right not to be naked in front of the staff of opposite gender, and procedures for working with Transgender and intersex Inmates. Supporting documentation for this standard included the Training outlines/PowerPoints for completing searches and for working with LGBTQI populations. The file included information tracking exigent circumstances of cross-gender pat searches over the last three years.

Interviews with staff and Inmates were consistent with standard and policy expectations. There is no cross-gender strip or body cavity searches, and Inmates can change and perform hygiene without opposite gender observation. The inmates report and the Auditor could see during the tour, opposite gender staff do announce their presence or the officer on the housing unit announced the female staff or male staff arrival. Compliance was based on policy, interviews with random staff and Inmates, records of cross-gender announcements consistent with policy, training materials and staff training records. Interviews with female Inmates confirm that they are not restricted from program participation by the lack of female staff to perform pat searches. Interviews with staff also support that they have received information on how to complete a respectful pat search of transgender or intersex inmates.

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

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

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect,

and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? Yes No

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? Yes No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)? Yes No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? Yes No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? Yes No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? Yes No

115.16 (b)

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

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in

obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Language Line Inc. Contract Information

Sorenson VRS hearing impaired video system

Photo of Phone systems for interpretive calls

PREA Coordinator documentation on prohibition on inmate interpreters, inmate readers or Inmate aids

Memo from Compliance Manager on procedures for LEP and inmates with disabilities.

Individuals interviewed/ observations made.

PREA Video in English/Spanish/ closed caption

Inmate Kiosk with PREA reporting information

Ipad with translation application to make initial communication with LEP Inmates

Inmate tablets

Jail Administrator

random and targeted inmates.

Random Staff

Intake Staff

PREA Coordinator

PREA Signage in English and Spanish

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office takes appropriate steps to ensure inmates in its jail with disabilities or who are limited English Proficient have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to provide a PREA safe environment. Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA addresses the concerns of this indicator. The policy states, "The CCSO shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates 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 the 9 CCSO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the CCSO shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The CCSO is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164"

As a county jail, the facility must be able to provide services to individuals with a wide variety of medical disabilities, including vision, hearing impairments, cognitive disabilities, psychiatric impairments, along with those with limited English proficiency. CCJ provides informative supports to those individuals with significant developmental delays or significant mental illness that might make them a target for abuse. There was signage throughout the facility in two languages about PREA safety and Inmates were aware of information in the handbook if needed. The Auditor was provided documentation to further support efforts to ensure all Inmates have an ability to benefit from the facility's efforts to prevent, detect and respond to sexual misconduct. The documentation included a contract with interpretive services, staff training materials, posters in multiple languages, PREA video available in multiple languages, including and closed caption option. The Auditor spoke with individuals with disabilities who supported they were able to comprehend the materials presented and supported there were staff they could approach if needed to support their understanding. Inmates with reading disabilities, cognitive concerns, low reading skills would likely be identified at intake or at classification interviews. The Cumberland County Jail has resources in place to aid these populations as well as experience with individuals with significant psychiatric impairments. The CCSO has invested in technology, including tablets for the inmates for which PREA information has been loaded and can be used to magnify information or replay audio or visual information. Intake staff confirmed that barriers to comprehension from disabilities or language would be documented in the Spillman system so others in the facility working with the client can be informed.

Indicator (b) The Cumberland County Jail has a limited population of individuals with whom English is not the primary language. The CCJ has policy language on working with persons who are Limited English Proficient, the policy direct staff on the use of interpretive services and providing materials in the individual's native language. It states, "The CCSO shall take reasonable steps to ensure meaningful access to all aspects of the CCSO's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary." The CCJ has approached this issue through several avenues, which include contracted with agencies to provide interpretive services, produce the inmate handbook and PREA signage in multiple languages, and have the PREA video available in multiple languages, finally providing Kiosks and tablets with PREA information in multiple languages. The CCJ has had an interpretive contract with Language Line Solutions since 2016. The company's website supports they provide video and phone translation in some 240 languages. The jail also has two video set ups in the facility where a hearing-impaired individual can be assisted using a contracted video service with Sorenson VRS to provide American Sign Language services. The Auditor spoke with intake staff and classification staff on how they could access the translation services. They also provided the Auditor with the procedural steps' intake staff would do if an inmate were presented who did not understand English. Since there were no LEP clients in the population currently who needed interpretive services, the Auditor spoke with some bilingual individuals on the availability of assistance for those who cannot read English. On the day of the facility tour, there were no Immigration and Custom Enforcement

inmates, but the facility can house these inmates. The Auditor also saw signage up for reporting on how they can report a concern through government channels.

Indicator (c) Staff were aware that it was not appropriate to use Inmates to interpret for each other except in extreme emergencies. This prohibition is also addressed in policy A-144 which states, “The CCSO shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate’s safety, the performance of first-response duties under § 115.64, or the investigation of the inmate’s allegations.”

Compliance Determination

As described in the indicators above, the Cumberland County Jail has policy and resources to work with individuals with disabilities or who are LEP. Their efforts ensure an understanding of how the various aspect the agency's effort to protect, detect and respond to victims of abuse and harassment. The Auditor was able to speak with multiple Inmates with disabilities. The disabilities included those with physical limitations, individuals who were blind, hearing impaired, and those with emotional and cognitive delays. There were no Inmates at CCJ at the time of the audit that required translation services to complete the interview process. The Auditor confirmed this through conversations with Inmates on tours, through random interviews with Inmates, and through interviews with staff. The Inmates reported knowing their rights, how to report PREA concerns, and if they had difficulty in understanding information how to get help. Inmates with disabilities support they understand how to access assistance if they had a PREA concern.

CCJ provides all Inmates with a video education about PREA upon admission and a follow-up orientation in the first 30 days. In addition to the video, the facility has signage up on the units of how to report concerns in English and Spanish and has Kiosks and tablets with PREA information loaded on them. Staff interviewed were aware that it was not appropriate to use Inmates to interpret for each other except in extreme emergencies. Line staff knew to contact a supervisor if they needed to access an outside interpreter. Compliance was based on interviews with staff and Inmates and administration as well as the hard materials (posters, handbooks, video, interpretive aids) and policies that support equal access to all services. The educational materials repeatedly viewed on the tour support ongoing access to information exists.

Standard 115.17: Hiring and promotion decisions

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

115.17 (a)

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

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

115.17 (b)

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

115.17 (c)

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

115.17 (d)

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

115.17 (e)

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

115.17 (f)

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

115.17 (g)

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

115.17 (h)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO: A-34 Selection

PREA Hiring Disclosure form

Employee background checks 2018-21

Contractor Background Checks 2018-21

Individuals interviewed/ observations made.

PREA Coordinator
Cumberland County Human Resource Director
Cumberland County Human Resources staff
CCSO Lieutenant (background investigator)
Jail Administrator
Armor Health Administrator

Summary Determination

Indicator (a). Policy A-144 addresses the requirements of this indicator. The Policy strictly prohibits the employment or contracting with individuals who have engaged in, or attempting to engage in, or administratively been adjudicated for sexual assault. The Policy mirrors standard language, “The CCSO shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor, intern or volunteer who may have contact with inmates who has:

- engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
- 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
- been civilly or administratively adjudicated to have engaged in sexual misconduct.” Interviews with HR staff and the CCSO Lieutenant who completes background checks support the process of screening all applicants for employment, including employees of the health care service provider Armor. The process includes the employees and contractors confirming that they have not engaged in any form of sexual misconduct described in indicator (a). The Auditor confirmed the questions are asked at time of hire and at promotional periods including the review of hiring forms that include the required questions. Both the HR and the CCSO staff confirm that the candidate would not be hired if any information is found. The state of Maine also has a Justice academy that all employees must again meet criteria to be considered for enrollment. Correctional Officers must be certified in the state of Maine by the Justice Academy.

Indicator (b). The Cumberland County jail subcontracts it is medical and mental health services through Armor. Both Armor and the CCSO policy prohibit the employment of individuals who may have engaged in behaviors described in indicator (a). The Auditor confirmed with the CCSO investigator and the Armor Health Administrator that staff persons hired at CCJ have criminal background checks on these individuals. The CCJ prescreening process for its employees would seek to find information on criminal offenses, and the agency does reach out to former employers for other behaviors that might have caused discipline. The Auditor was able to confirm that if a CCJ candidate was up for promotion Human Resources, would review the employee's record for prior discipline, including incidents of sexual misconduct, at which time the information would be provided to the Jail Administrator or the Sheriff.

Indicator (c). The Cumberland County Sheriff's Office completes criminal background checks on all employees. File reviews completed by the Auditor confirmed that the process is in place and is consistently done for all new employees and at the required 5-year intervals in indicator (e). The Check includes a criminal background check and prior institutional checks. Of the 14-employee's information requested, 5 had prior institutional employment. Random sampling allowed for confirmation of the practice. The Auditor was also provided with additional examples of criminal background documents. He took into consideration that the CCSO has a track record of providing information on its former employees. The Auditor confirmed that the Maine Justice Academy, to certify a correctional officer, the individual must have completed a criminal background check. Policy A-144 states, “Before hiring new employees and as part of any promotional process, the CCSO shall conduct appropriate background checks on all applicants and employees. A criminal background records check shall be conducted before enlisting the services of any contractor who may have contact with inmates.” As a law enforcement agency, the pre-employment screening for correctional officers is done similar to hiring

Deputies. The CCSO lieutenant will complete unannounced visits and interview neighbors and employers in addition to running their information through state and national databases before a conditional

Indicator (d). CCSO completes criminal background checks on all Armor employees and any approved volunteers. Interviews with contracted staff and volunteers support they must pass a background check before being allowed into the facility. The Auditor was provided examples of this documentation.

Indicator (e). CCJ provided the Auditor with information of 14 random employees or contractors who were employed over 5 years. All staff who were employed in 2018 were screened again prior to the last PREA Audit who had criminal background checks completed in the last 5 years.

Indicator (f). The requirements of this indicator are covered in A-144. Included in the policy is a continual responsibility to self-report any misconduct. The policy requires all employees to not violate any state or federal laws. As noted in Indicator (a) all CCJ employees are asked to complete the PREA Employee Questionnaire. This document asks all prospective employees about the required element in the aforementioned indicator. The PREA Hiring Disclosure Form requires the applicant to confirm they have not engaged in any of the behaviors described in indicator a. It also has them confirmed their understanding of the continuing responsibility to report any such actions. The form states, "if you are hired or if you are a current CCSO employee, you have a continuing affirmative duty to report to immediately disclose two CCSO so any misconduct that would result in a yes answer to any of the above 4 questions."

Indicator (g). The following passage is also Contained in the PREA Hiring Disclosure Form: "any material omissions regarding such misconduct, or provision of materially false information, shall be grounds for disqualification from employment or termination." The forms reviewed in staff files confirm the process is routinely done. The forms statement is, "providing untruthful answers to the above questions or failing to disclose any misconduct that would result in a yes answer to any of the above questions will be grounds for termination through the disciplinary process."

Indicator (h). With proper releases of information, the CCSO allows for the agency to disclose to other institutions any PREA related concerns. Interviews with Human Resources staff confirm they may receive requests of both internal and outside employers when hiring. The CCSO investigator is the individual who speaks to prior employers, including both prior institutional and non-institutional employers. In the last year, there were zero requests of a former CCSO staff member seeking employment at another correctional facility.

Compliance Determination

The Cumberland County Sheriff's Office has two policies related to hiring that were applicable in the review of these standards. The agency's PREA policy A-144 and HR policy A-34 selection addressed various aspects of the standard's indicators. The Auditor interviewed the Human Resources staff at the County offices as well as the CCSO Lieutenant who completes background investigation on all employees. The agency has all staff and contractors undergo criminal background checks, including FBI fingerprint checks, NICS, MV. The Human Resource staff reports she works closely with facility management to ensure line of communication is maintained. The CCSO has implemented forms in policy to document staff understand the requirements related to Indicators in this standard.

The CCSO and the County have policies in place to address the requirement. The state of Maine has also set forth a process to certify all staff, including the completion of criminal background checks. The Auditor was also able to review appropriate personnel forms and criminal background checks for both employees and contractors. Record reviews support those employees and contractors at the Cumberland County jail undergo prior institutional employer checks, pre-employment criminal background checks, and subsequent checks every five years. The Auditor also reviewed the Online Job application, the Maine Justice Academy website, and the Human resources policies. Compliance for

this standard is based on Policies, the several levels of documentation provided in advance and confirmed during the onsite visit, and the interviews with the Human Resource staff, CCSO investigator, the Armor Health Administrator, and the Jail Administrator.

Standard 115.18: Upgrades to facilities and technologies

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

115.18 (a)

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

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.
Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
PREA Coordinator memos on upgrades 2018-2021
CCJ staff meeting Minutes (discussions of blind spot camera needs)

Individuals interviewed/ observations made.

PREA Coordinator
Jail Administrator
County Sheriff
Camera Locations
Physical plant layout

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office has in place policy language to describe the steps to be taken into consideration in any renovation of the jail. PREA Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA states, "When designing or acquiring any new facility and in planning any substantial expansion or modification (including electronic monitoring systems) of existing facilities, the CCSO shall consider the effect of the design, acquisition, expansion, or modification upon the ability to protect inmates from harm including sexual abuse." The facility has not undertaken any major modification in the past three years, but the PREA Coordinator was able to point out small changes that have been implemented to improve the safety and supervision of inmates. The improvements included new see-through doors on all housing unit closets, improved shower area doors/privacy screenings, and the movement of an inmate phone to get it into staff line of sight. In the Community Confinement Center, which is not currently open, some renovations to the staff desk area occurred that will aid in the supervision of clients in the program. These improvements were also documented in annual file memos to the PREA Audit file 115.18

Indicator (b) The Cumberland County Sheriff's Office has in place policy language to describe the steps to be taken into consideration in any renovation of the jail. PREA Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA states, "When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the CCSO shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse." During the tour, the PREA Coordinator pointed out where new cameras had been added to improve facility supervision of clients and reduce blind spots. The memo reference in indicator (a) contained documentation of annual technology investments that were undertaken.

Compliance Determination

The Cumberland County Sheriff's Office has not done any major renovation to its physical plant since the last PREA Audit but, as noted, has made small changes to improve safety (including PREA safety) for the inmates. The PREA Coordinator confirmed the ongoing efforts to safety needs happen at all levels of the institution. The Auditor was provided documentation of facility middle managers discussing blind spot solutions with the PREA Coordinator. Interviews with the Jail Administrator and the Sheriff further support the organization's commitment to making technology and physical plant investments that will continue to improve the safety and operation of the Cumberland County Jail.

Compliance is based on information provided in the files on camera additions and small renovation, the knowledge of staff and supervisors about blind spots and efforts made to reduce them as potential points of assault, and policy that puts in place a system of regular review. The Auditor also considered the stated interviews with the agency's leadership and the information provided by the PREA Coordinator on the tour, which supported policy is put to action.

RESPONSIVE PLANNING

Standard 115.21: Evidence protocol and forensic medical examinations

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

115.21 (a)

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

115.21 (b)

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

115.21 (c)

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

115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? Yes No

- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? Yes No
- Has the agency documented its efforts to secure services from rape crisis centers? Yes No

115.21 (e)

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

115.21 (f)

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

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO: O-21 Collection and Preservation of Evidence

State of Maine Guidelines for Forensic Sexual Assault cases

MOU with Maine Medical Center

MOU with Mercy Hospital

MOU with SARSSM (local Rape Crisis Agency)

Documentation supporting no Juveniles at CCJ

State Justice Academy Website

Individuals interviewed/ observations made.

random staff

Armor Medical Staff

Sexual Assault trained Investigator.

SARSSM representative

SAFE/SANE access and services

Department of Health and Human Services staff on SAFE training.

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office is responsible for the completion of criminal investigations, including sexual assaults at the Cumberland County Jail. As a law enforcement agency, CCSO employs trained law enforcement staff with full powers of a police officer, including investigating crime in the institution. Agency Policy states, "To the extent the CCSO is responsible for investigating allegations of sexual abuse, the CCSO shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions." The Agency policy *O-21 Collection and Preservation of Evidence* provides the investigators with a uniform standard of evidence collection on-site. The policy provides 11 pages of operational expectations for all criminal investigation evidence collection.

The state of Maine has a protocol specifically for forensic examination and collection of evidence in sexual assault cases. The protocol was developed through the Attorney General's office with the assistance of medical, legal, and sexual assault advocates to ensure uniform practice. Neither CCSO staff nor Armor Health staff would not complete the forensic exam. Instead, the inmate victim would be sent to one of two local hospitals in the region with confirmed SANE staffing. Interviews with random staff confirmed they understand the importance of preserving evidence. They were able to identify steps needed to secure crime scenes and encourage the preservation of evidence on the reported victim and accused. The CCSO's Investigators interviewed have received several trainings on crime scene investigation, including in a correctional environment, and these trainings were documented in 115.34

Indicator (b) The protocol, as noted in Indicator (a) developed through the Attorney General's office, covers procedures for youth, but the Cumberland County Jail does not serve that population. The Protocol has a committee that reviews current practices and adjusts consistent with national trends for best practice. The Auditor reviewed the protocol and compared it to the U.S. Department of Justice document cited and found the topics similar. Officials in the state explained to the Auditor previously, the protocol is in the process of being updated.

Indicator (c) The Cumberland County Sheriff's Office will offer victims of sexual assault the ability to have a forensic exam without cost. CCSO PREA policy A-144 (page 10) states, "The CCSO shall offer

all victims of sexual abuse access to forensic medical examinations, at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The CCSO shall document its efforts to provide SAFEs or SANEs.” The Auditor confirmed with the local hospitals on the availability of Sexual Assault Nurse Examiners and that services to victims were provided without charge. The two area hospitals include Maine Medical Center (under 1 mile) and Mercy Hospital (under 2 miles). A memo from the facility Health Services staff confirmed that no CCJ inmate has been sent out for a forensic exam in the past three years.

Indicator (d) The Cumberland County Sheriff’s Office has entered into agreements with the local rape crisis agency to provide support services to victims of sexual assault. The Sexual Assault Response Services of Southern Maine (SARSSM) is part of the state coalition against sexual assault (MECASA) Maine Coalition Against Sexual Assault. The Auditor was able to review the MOU to confirm that it was current. The Cumberland County has had MOU’s with SARSSM dating back to 2017

Indicator (e) Both hospital and PREA Coordinator staff confirm that a rape crisis staff would be available to help a victim through a forensic exam, criminal justice interview, and provide ongoing support and referral to the victim. A Memorandum of Understanding was provided to the Auditor stating this was possible. The Auditor also was able to speak with Hospital and Sexual Assault Response Services of Southern Maine representative on services that would occur if an incident was to occur at CCJ. The SARSSM representative confirmed that they would respond to a hospital and also provide emotional support through professional visits and support during criminal investigator interviews.

Indicator (f) NA- The Cumberland County Sheriff’s Office is responsible for completing investigations at the Cumberland County Jail.

Indicator (g) The Auditor is not required to review this indicator.

Indicator (h) The Auditor is not required to review this indicator as the CCSO has a history of providing access to victim advocates from a local Rape Crisis Agency.

Compliance Determination

The Cumberland County Sheriff’s Office has policies in place addressing concerns in this standard (A-144 , O-21). Criminal investigative procedures are in place to ensure evidence is preserved. The criminal investigation would be done by the Investigators of CCSO, who investigates crimes at the Cumberland County Jail. The Investigators are trained law enforcement officers, have received training in the investigation of Sexual Assaults in a Correctional Setting. The area also has two Hospitals immediately available with Sexual Assault Nurse Examiners (SANE). Sexual Assault Nurse Examiners in Maine are trained on protocols developed in the state of Maine Attorney General’s Office in conjunction with a SANE advisory team and consistent with the National Protocol for Sexual Assault Forensic Exams. The Maine Attorney General’s Office has produced a guideline for Sexual Assault Forensic Exams and the Care of Sexual Assault Patients. This 185-page document provided specific steps for forensic exams and was developed in conjunction with medical and legal experts from Maine. The Auditor spoke with hospital staff, who confirmed the availability of SANEs. Hospital staff confirmed this service would be done free of charge, and if a SANE is not on duty, one could be called in. It is also reported that the hospital would call a local rape crisis agency in addition to the protocol set up by CCJ to offer supportive services. Sexual Assault Response Services of Southern Maine (SARSSM) is the regional rape crisis agency who the Auditor confirmed would send a victim advocate to support the inmate through the forensic exam and any interviews as part of the investigative process. Compliance is determined based on the availability of resources to effectively investigate, secure and process evidence. The Auditor was able to review the MOU’s with Hospitals and SARSSM. In addition to trained sexual assault investigators, the Auditor also considered that CCJ staff knew the importance of

protecting evidence, including advising inmates to not do anything that would degrade the evidence on their person.

Standard 115.22: Policies to ensure referrals of allegations for investigations

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

115.22 (a)

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

115.22 (b)

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

115.22 (c)

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

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Does Not Meet Standard (Requires Corrective Action)

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO: O-15 Criminal Investigations

PREA Investigation documentation 2018-2021

Individuals interviewed/ observations made.

Interview with the Sheriff

Interview with Jail Administrator

Interview with PREA Coordinator

Interview with Investigative staff

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office has systems in place to ensure criminal and administrative investigations occur in a timely fashion at their Jail facility. The Agency has two policies that address the requirement of investigations of sexual abuse and sexual harassment. The PREA policy set forth the requirements consistent with standard language. The CCSO Investigation policy further commits to a full proactive investigation. The policy states, "It shall be the policy of the Cumberland County Sheriff's Office to apply proactive investigative methods when possible and to fully investigate reported crimes to the extent necessary to support prosecution, or otherwise resolve a case." The Cumberland County Investigator was interviewed on the process by which she is notified of all PREA related Investigations. A review of investigative files supports that all investigations occur immediately upon the report of an incident. The Cumberland County Jail had twenty (20) investigations of potential sexual abuse and sexual harassment cases in the past years. (4 cases substantiated, 5 were unsubstantiated, and 11 were unfounded). The file provided in advance and the files reviewed on-site by the Auditor showed the PREA trained investigator was informed of the allegation quickly. The facility investigates all sexual contact, even consensual acts, between Inmates as potential PREA incidents. The facility was able to substantiate a criminal investigation into sexual abuse that occurred, and the case was referred to the local prosecutor for consideration. The Sheriff confirmed how he expects a thorough investigation of all allegations.

Indicator (b) The Cumberland County Sheriff's Office has two policies that address the requirements of this standard, Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA and, Policy O-15 Criminal Investigations. The Policies also comply with Maine State Statutes which govern law enforcement duties. The Auditor was able to review the policies on the agency website Maine.DOC.gov.

Indicator (c) This indicator does not apply as the Cumberland County Sheriff's Office is responsible for criminal investigations.

Indicator (d) Auditor is not required to audit this provision.

Indicator (e) Auditor is not required to audit this provision.

Compliance Determination

The Cumberland County Jail has the policy and trained investigative staff in place to ensure all allegations of sexual assault and sexual harassment are investigated. The Jail has access through the Sheriff's Office to trained law enforcement staff persons who will ensure all crimes, including sexual assaults, are investigated. According to the Sheriff, incidents involving staff members are investigated by one senior investigator who also completes the background investigations on all staff members. The Cumberland County Sheriff's Office investigates all incidents of sexual contact by Inmates as a potential criminal investigation. This is done to ensure all evidence is collected even if the Inmates claim initially the contact was claimed to be consensual. This process ensures evidence is secured if one of the Inmates later changes his mind. Compliance was determined based on the published policy, the investigative information provided by the Investigator, and interviews with the agency head and the investigative staff. Compliance is determined utilizing the above-stated information that meets Indicators' requirements (a) and (b). Indicator (c) for standard 115.22 is not applicable because CCSO is the criminal investigative body with the authority to complete investigations in the CCJ facility. Interviews further supported compliance in that the agency takes seriously all allegations, including those received through third-party sources, and ensures the impartiality of the investigation of staff-involved incidents.

TRAINING AND EDUCATION

Standard 115.31: Employee training

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

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? Yes No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? Yes No

- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? Yes No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? Yes No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? Yes No

115.31 (b)

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

115.31 (c)

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

115.31 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Cumberland County Jail PREA Training materials

Maine Justice Academy Training Materials

CCJ training records 2018-2020

Individuals interviewed/ observations made.

PREA Coordinator

Random staff

Summary Determination

Indicator (a) The Cumberland County Jail ensures all staff are trained in the agency's Zero Tolerance for Sexual Misconduct and the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment allegations. In policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA (page 11), the policy set forth training requirements, including a description of all the elements listed in Indicator (a). The policy states the following

"1. The CCSO shall train all employees who may have contact with inmates on:

- a. Zero-tolerance for sexual abuse and sexual harassment;
- b. How to fulfill their responsibilities under CCSO sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- c. Inmates' right to be free from sexual abuse and sexual harassment;
- d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- e. The dynamics of sexual abuse and sexual harassment in confinement;
- f. The common reactions of sexual abuse and sexual harassment victims;
- g. How to detect and respond to signs of threatened and actual sexual abuse;
- h. How to avoid inappropriate relationships with inmates;
- i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex ("LGBTI"), or gender nonconforming inmates; and
- j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities"

The Auditor reviewed the training materials from the Cumberland County Sheriff's Office and the Maine Justice Academy to confirm the elements were addressed. The PREA Coordinator confirmed no matter what role in the institution, all employees are aware of their role in the prevention, detecting, and responding to sexual assault and sexual harassment of inmates. In interviews, random staff were able to describe things they do daily to keep inmates PREA safe. The staff members knew the signs and symptoms of someone who may be victimized, the rights of inmates related to PREA, and were able to give examples of why sexual assaults may occur. Staff persons confirmed they get training on how to avoid getting into inappropriate situations with an inmate, the criminal liability for failing to report a PREA incident, and how to work with LGBTI Inmates respectfully. The staff knew to use the transgendered or intersex inmate's preferred name and pronouns. They were aware that a multidisciplinary committee reviewed the transgender inmate's case individually to determine housing, canteen items they can have, search procedures, and treatment planning.

Indicator (b) The Cumberland County Jail is a co-correctional environment. All employees are trained in working with both male and female inmates, including how males and females may differ in their reactions to abuse.

Indicator (c) The CCJ employees and contractors report they receive training on PREA annually. Individuals who require state certification would have received classroom instruction at the state's Justice Academy. All new staff get instruction at CCJ on PREA and then annually through the Power DMS platform. Staff records and their knowledge of the training information indicators support they receive training frequently. Staff report they get a full PREA specific training annually and will get updates to policies regularly. The training roster showed participants, which is consistent with the number of staff employed at the facility. Agency policy states, "All current employees shall be trained, and the CCSO shall provide each employee with refresher training every two years to ensure that all employees know the CCSO's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the CCSO shall provide refresher information on current sexual abuse and sexual harassment policies."

Indicator (d) The PREA Coordinator supports that all staff have to acknowledge an understanding of PREA to get credited for the annual training hours. The Auditor reviewed the institutional training records, which support that all staff completed the mandatory class, not just correctional officers. The Auditor saw documents supporting the Jail Administrator, the Librarian, food service, health staff, the pastor, classification, and maintenance have all successfully completed the course

Compliance Determination

All staff are trained in Cumberland County Jail's Zero Tolerance policies toward sexual assault and sexual harassment. The employees confirmed they have been trained on PREA and understand their duties related to policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA, including how to protect, detect and respond to incidents of sexual harassment or sexual abuse. In addition to the records provided in advance, the Auditor requested the training records of six staff persons, which further supported annual training when reviewed. In addition to reviewing the training materials, the Auditor considered the staff's ability to describe these elements in interviews, which supported the information was retained.

Compliance determination was based on training records, the materials used in presentations and random staff ability to share examples of the content they had learned as part of PREA training consistent with standard requirements.

Standard 115.32: Volunteer and contractor training

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

115.32 (a)

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

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and

contractors shall be based on the services they provide and level of contact they have with inmates)? Yes No

115.32 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
Volunteer/Contractor Handbook
Training materials for Contractors and Volunteers
Contractor/Volunteer PREA education Sign Off forms

Individuals interviewed/ observations made.

PREA Coordinator
Armor Contracted staff
Observation on tour

Summary Determination

Indicator (a) All Contractors providing direct service to inmates at the Cumberland County Jail are employed by Armor Health, a Medical/ Mental Health treatment provider. All contractors or volunteers who have routine access to the facility are required to undergo the PREA education program. As part of that program, the individuals are trained on PREA consistent with the agency policy (A-144 Page 12), which outlines training expectations to inform them how to support a zero-tolerance culture and knowing when and how to report concerns. The policy states, "The CCSO shall ensure that all contractors, interns, and volunteers who have contact with inmates have been trained on their responsibilities under the CCSO's sexual abuse and sexual harassment prevention, detection, and response policies and procedures." One-time visitors are provided a PREA Brochure that outlines aspects of the overall training and informs the individual how to report.

Indicator (b) The CCSO policy includes three distinct levels of training, all of which address how to report a PREA concern. “The level and type of training provided to contractors, interns and volunteers shall be based on the services they provide and level of contact they have with inmates, but all contractors, interns and volunteers who have contact with inmates shall be notified of the CCSO’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.” Staff providing direct services to Inmates (Armor Health) undergo full CCJ training annually. Individuals who have routine visits (religious staff, educational volunteers, canteen vendors, etc.) get an abbreviated educational program. One-time visitors are provided information about PREA at the time of entry to the facility. The Auditor was provided examples of orientation training materials for any new contractors/volunteers, including the CCJ handbook. Volunteers who provide inmate services were not immediately available for interviews as the facility is limiting access during the Covid-19 crisis.

Indicator (c) PREA policy A-144 (page 12) requires the agency to keep track of the training. The policy requires individuals to sign for the information they receive. “The CCSO shall maintain documentation confirming that contractors, interns, and volunteers understand the training they have received.” The Auditor was also given documentation to show that all individuals who enter the CCJ facility must sign PREA acknowledgment forms. The heading of the form states, “This information is for all visitors, contractors/vendors, and volunteers who come on the grounds of any property under the control of the Cumberland County Sheriff’s Office (CCSO). This is an informational guide to inform you of the of standards held by the CCSO. Please read the PREA guidelines below sign off on the bottom of this form, indicating you have read and understood the PREA Guidelines.” A sampling of volunteers and contractor records confirmed they had signed off on the form. The Auditor was also able to speak to contractors as part of the audit process to confirm they were educated on PREA. There have been no classes for volunteers since March of 2020 due to the COVID-19 pandemic.

Compliance Determination

CCJ is compliant with the standard expectations. The facility ensures all contractors and volunteers receive training in the agency efforts to prevent, detect and respond to sexual assault and sexual harassment. Training records, interviews with contractors on the tour, and formal interviews support they have received comprehensive training equivalent to their level of contact with the Inmates. Training records and interaction with contractors as part of the tour clearly support understanding the agency’s Zero Tolerance to PREA related issues. Compliance was determined through supporting documents, random contractor and volunteer training records and interview with the contracted staff persons who were able to identify training elements. They were all able to explain how they could report a PREA concern at the facility if they arise.

Standard 115.33: Inmate education

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

115.33 (a)

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

115.33 (b)

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

115.33 (c)

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

115.33 (d)

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

115.33 (e)

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

115.33 (f)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
 PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA education records
 Memo on PREA Education
 Property Receipt form (PREA Brochure and orientation Video)
 Inmate Orientation Acknowledgement form (within 30 days)
 Spillman report showing if any inmate has not completed the orientation
 PREA Brochure

Individuals interviewed/ observations made.

Intake Staff Person
 Classification supervisor
 Inmates
 Observation on tour of PREA Signage in two languages
 Observation of the PREA Video.

Summary Determination

Indicator (a) All Inmates are provided information about PREA upon admission to the Cumberland County Jail. Some inmates report having been exposed to PREA education through the county Jail system in Maine or if they previously were in the Maine DOC system. Inmates are provided a description of PREA and how to protect themselves, how to report a concern and what services are available if someone has been a victim upon admission. The Auditor did not observe the admission process during the audit.

An intake officer described the steps he goes over routinely related to PREA. This includes informing them on how to report and the facility brochure about PREA that is reviewed at intake. Inmates see a PREA educational Video in a holding cell also. CCSO’s PREA policy A-144 sets forth the requirement of initial education of all new detainees upon admission. “During the intake process, inmates shall receive information explaining the CCSO’s zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.” The inmates also get a PREA brochure at intake and sign that they saw the video and received PREA information as part of the intake process. The facility plays the PREA video weekly across the TV system as a refresher and to ensure education is available for those who might not have paid attention at intake.

Indicator (b) All Inmates at CCJ are provided with a review of the facility-specific PREA information within 30 days in the facility entering the facility. The Agency has a report that the PREA Coordinator can run to see who has not received the orientation class at any given time. The orientation education is completed by the PREA Coordinator or the Accreditation Assistant, usually in one of the rooms adjoining the units. The Auditor was informed the only time an inmate should not have this completed within the 30-day requirement if they are in disciplinary segregation or in medical isolation/observation. In these environments, they remain single-celled and will receive education upon placement back in the general population.

The education includes the zero-tolerance policy of CCJ, how to protect themselves from sexual assault/sexual harassment, how to and why it's important to report a concern, the Inmates' rights related to PREA and their right to be free from retaliation if they make a report. They understand the steps the facility will take to investigate and support individuals if an incident occurs. Random inmates confirmed education into PREA. Inmate education is recorded in the Spillman electronic case management system from which a timeliness report is completed. Inmates sign a form at the meeting that is also part of their case file.

Indicator (c) All Inmates at the Cumberland County Jail have received an education into PREA and how to report any concern at intake. All inmates have received the additional training unless, as noted in indicator (a) they were in disciplinary segregation or medical/Mental Health isolation. The sample report provided supported 99% of the population received the orientation within 30 days. Cumberland County Jail documents both the education at intake and the orientation education. A limited number of inmates are transferred to CCJ from other pretrial jails, but they receive PREA education again upon admission and go through the orientation if they stay long enough. Four of the inmates interviewed were transferred to CCJ from another county jail or an out-of-state facility, all of whom reported they were educated about PREA upon admission. Agency policy requires PREA education on all admissions, including transfers from other correctional facilities.

Indicator (d) Education is available to inmates at CCJ in multiple languages and forms from written to video to large print documents. One of the videos includes closed actions for hearing impaired inmates. Inmates support that they can go to staff if they need assistance in comprehension of written or oral PREA education. The assistance is available to any individual who needs assistance, including those with physical disabilities, cognitive limitations, or not reading. Many Inmates stated that PREA was not a concern, but they knew the information was available and stated there were people who could help, including line officers, clinicians, and unit Sergeants. During the tour, the Auditor saw PREA Information in two languages and had a bilingual inmate show me how to find PREA information and the detainee handbook on the housing unit kiosk. The PREA Coordinator reports, "inmate education is available in the following formats accessible to all inmates including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as two inmates who have limited reading skills.

- PREA brochure in English and Spanish
- PREA video is closed-captioned shown in the intake at all times and in the housing units on Saturdays and Sundays on the 7 to 3 shift. The English and Spanish videos are also available on the inmate tablets. Video is also available in Spanish and Hmong.
- PREA posters are posted throughout the facilities in English and Spanish.
- The inmate handbook which is available on the pod kiosk has PREA information and is also available in Spanish.
- A-144 prior inmate orientation acknowledgement form is available in English and in Spanish."

The memo goes on to describe the translation services and aids to those with disabilities described in 115.16. The Auditor confirmed this in interviews with inmates and observations while moving about the facility. The Auditor had a bilingual inmate show him how to access information on the unit kiosk.

Indicator (e) Records were reviewed for a random sampling of clients. The Auditor picked a random sample of current client files out of each housing unit to review education documentation. The Auditor reviewed documentation to ensure the clients had signed for the PREA education provided at CCJ. The signed forms and inmate interviews support they have received PREA education. Documentation of PREA education is required, “The CCSO shall maintain documentation of inmate participation in these education sessions.”

Indicator (f) Agency PREA Policy addresses the requirements of the indicator. “In addition to providing such education, the CCSO shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats. The jail orientation video and the PREA video will be played every Saturday and Sunday morning on the 7-3 shift. When the video is played it will be documented in the Master Control electronic log.” Observations throughout the tour support there is materials available to Inmates continuously. The information viewed included handbooks, posters, and other signage about PREA or the local rape crisis agency resources. The Auditor confirmed, through interviews, the PREA educational video is played weekly on the housing units. The facility has begun to utilize tablets for inmates, which has access to the inmate handbook and other PREA materials. The tablets also provide a confidential way of filing a PREA complaint.

Compliance Determination

The Cumberland County Sheriff’s Office PREA policy A-144 sets forth on page 3 the expectation of the timeliness of inmate education, manners in which education is delivered and the requirement for educating all inmates, including LEP and disabled inmate education. Inmates at CCJ confirm they are educated on PREA and the zero-tolerance expectations as soon as they get to the facility. The intake process includes the viewing of a PREA video. PREA information is reviewed with the inmate by the Intake Officer, and they are provided a PREA brochure and informed about the handbook containing PREA information. The information reviewed is signed by the inmates and placed in their case records. The facility has PREA educational materials available to Inmates in the form of brochures and posters in addition to the handbook. The handbooks inform Inmates about consequences for negative behavior, including sexual misconduct. It also informs the reader about PREA and the importance of reporting and seeking help. Information also includes phone numbers to the state PREA Coordinator and the local rape crisis agency.

On tour, the Auditor saw posters informing Inmates how to report PREA events or access advocate services, including information on immigration status issues. CCJ has provided multiple ways to inmates to access PREA information at intake and throughout their stay. Compliance determination considered the supporting educational documents, the Inmates’ answers about training, and their knowledge about facility-specific steps for reporting a concern. Further supporting compliance is the Auditor’s review of client records that showed their education, the materials viewed during the tours, and the technology the CCSO has invested in to ensure inmates are informed of the agency’s zero-tolerance policy.

Standard 115.34: Specialized training: Investigations

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

115.34 (a)

- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings?

(N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (b)

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

115.34 (c)

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

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Training certificates for Investigators

Individuals interviewed/ observations made.

PREA Coordinator

Interview with trained Investigators

Investigative files

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office employs its own investigative body. The CCSO employs a deputy to investigate all crime allegations in the institution. The CCSO Internal Affairs Lieutenant also investigates allegations involving correctional officers. Both individuals are law enforcement officials certified by the State of Maine and empowered to investigate and arrest. Both the Lieutenant and the Deputy have extensive backgrounds in law enforcement, including completing an investigation of sexual abuse. The Auditor was provided information supporting the two investigators who have received training in completing investigations consistent with the Maine statutes and standard expectations. "In addition to the general training provided to all employees pursuant to § 115.31, the CCSO shall ensure that to the extent the CCSO itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings. The Auditor as provided documentation that the two investigators completed PREA Investigators Training on two occasions. The first was the National Institution of Corrections of the On-line Training course for Investigation of Sexual Abuse in a Correctional Setting. The second course was an in-person class provided by the Massachusetts Department of Correction in conjunction with the PREA Resource Center who provided grant funding for the training program.

Indicator (b) The Auditor reviewed the NIC and the MA DOC training to ensure the content was consistent with the standards required by the standard. The training materials and the interview with a trained investigator confirmed the training covered how to communicate with a victim of sexual assault, the use of Miranda and Garrity Warnings, proper steps in the collection and preservation of evidence, and the factors in making a determination of substantiation for administrative action or prosecutorial referral. The Auditor also spoke with the investigator on how they would implement the elements of the training in the course of an investigation.

Indicator (c) Training records were provided for staff who complete investigations. Copy of the certificate were also included in the file. Officer Holmes has also been reportedly trained as a rape crisis advocate, which aids in understanding the traumatic impact an abuse event may have on an inmate and the importance of providing an advocate during the interview process.

Indicator (d) The Auditor is not required to review this indicator.

Compliance Determination

The Cumberland County Sheriff's Office ensures that staff who complete investigations have received appropriate training on investigating sexual assault in a correctional setting. Documents and interviews support that the facility's investigators are trained in the requirements of a PREA related investigation. Examples of investigations completed and the supporting training documents also supported the Auditor's findings.

Standard 115.35: Specialized training: Medical and mental health care

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

115.35 (a)

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

115.35 (b)

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

115.35 (c)

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

115.35 (d)

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

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO J-F Response to Sexual Abuse

Armor Training slides for Med/MH Staff

Training records for Armor Staff

PREA Response Plan

Individuals interviewed/ observations made.

Medical Staff

Mental Health

Interview with Hospital staff

Summary Determination

Indicator (a) Cumberland County Sheriff's Office PREA policy requires specialized medical and mental health staff training. "The CCSO shall ensure that all full- and part-time medical and mental health care practitioners who regularly work in its facilities have been trained in:

a. How to detect and assess signs of sexual abuse and sexual harassment;

b. How to preserve physical evidence of sexual abuse;

c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment;

d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment."

The Cumberland County Jail employs the services of Armor Health Care Services, a private Correctional Medical, and Mental Health Services Provider. The Armor trains its staff on PREA specific considerations from the medical and mental health provided perspective. Included in the training materials was information that the training addressed signs and symptoms of abuse, communication with a victim, reporting an allegation, and preserving evidence. Interviews with nursing staff support awareness that they should not clean any injuries and only treat critical health concerns before transport to the hospital for a rape kit. Armor staff knew who to report PREA concerns to in the jail and within their supervision chain. Supporting documentation considered included the facility's PREA response plan.

Indicator (b) The staff do not complete a forensic exam. Discussions with the two local hospitals confirmed the availability to have trained nurses perform sexual assault exams. Nurses spoken to formally and informally confirmed their training discussed steps to protect DNA. CCSO policy states, "The medical staff that are contracted to provide medical services at CCSO do not conduct forensic examinations. Forensic examinations are conducted off-site at Maine Medical Center, or Mercy Hospital."

Indicator (c) Documentation was provided to the Auditor for the Armor Health staff confirming the specialized training was completed. The Auditor reviewed the training materials and considered the staff knowledge of the materials. Individuals in both the Medical and mental health staff confirmed they had completed the specialized training as well as the CCJ training on PREA.

Indicator (d). A review of the training records and the interview with staff confirms that all Armor staff receive the same training as the CCJ employees annually and the training described in 115.32. CCJ training records reviewed by the Auditor further support compliance.

Compliance Determination

Medical and Mental Health Staff at CCJ are employed by Armor, who provides PREA training with a medical and mental health focus for their employees and provides the PREA Coordinator with the documentation. The PowerPoint reviewed by this Auditor addressed how to detect, assess signs, and preserve evidence of a sexual assault. The training materials and interviewed staff support were trained in responding appropriately to sexual assault victims. The Auditor met formally with Armor staff and asked other Armor staff questions on tour. Medical and Mental Health staff knew to whom to report allegations and suspicions of sexual abuse or sexual harassment. They were able to explain the reporting would be up their agency chain of command while also notifying the chain of command of the prison. Medical and Mental Health Staff knew to also report any concerns to the Correctional investigators or PREA Coordinator. Armor staff will not do forensic medical examinations but are aware of how to protect evidence and what facilities they would refer inmates to for an exam by a SAFE or SANE if needed. Compliance is based on the knowledge of the standards that Armor staff had, their understanding of how to protect the inmate victim and evidence, and how to provide ongoing support. As noted, Indicator (b) is NA, but the auditor confirmed the availability for the forensic exam by certified Sexual Assault Forensic Examiners exist in the community.

SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

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

115.41 (a)

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

115.41 (b)

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

115.41 (c)

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

115.41 (d)

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

115.41 (e)

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

115.41 (f)

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

115.41 (g)

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

115.41 (h)

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

115.41 (i)

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

Auditor Overall Compliance Determination

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

Does Not Meet Standard (Requires Corrective Action)

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Risk Screening Reference Guide

Sample Screening from 2018-2020

Auditor Selected files for review

Individuals interviewed/ observations made.

Jail Administrator

PREA Coordinator

Armor Health staff.

Classification Officer

Random Inmate

Intake staff

Observations on tour

Summary Determination

Indicator (a). All inmates, including transfers admitted to Cumberland County Jail, are screened for potential victimization no matter how often or how recent they have been in custody. PREA Policy A-144 sets forth this requirement. The policy states, "All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates." At CCJ, a trained intake officer and medical staff completes screening with all admission using an objective screening tool. The facility utilizes information provided in both interviews to ensure accuracy. The Auditor was provided sample records from each of the past three years, and the Auditor picked a random sample of the current population to review. All screening are reviewed by the intake supervisor and forwarded to the PREA Coordinator. Inmates spoken with all confirmed they were asked questions consistent with the PREA screening tool. The inmate report this is done within the first hour of the admission.

Indicator (b) The Policy states, consistent with the standard requirement, "Intake screening shall be completed prior to assigning housing from intake, which ordinarily will take place within 72 hours of arrival at the facility." Though the policy states it can be done in the first 72 hours, it is reported that it is normally completed in the first hours of admission. The Intake area has individual cells that new inmates who are not able to be processed (under the influence) can be placed until they can aid in their admission. All files reviewed and interviewed inmates confirmed they had been screened in a timeframe sooner than the standard obligation. The Auditor reviewed files of current and former inmates for compliance with the timeliness and reviewed the CCJ pre-audit report confirmed inmates are screened for risk of abuse within the first 72 hours.

Indicator (c) The Cumberland County Sheriff's Office has developed a tool for screening inmates for potential sexual violence or sexual victimization. PREA policy language requires the process to be

objective, "Such assessments shall be conducted using an objective screening instrument (A-144-S) Initial PREA Risk Screen." The tool utilizes information from the inmate's criminal records, other correctional settings, and self-reported information. The results of these answers are used based on a scoring matrix to determine their screening results. Each inmate will receive two scores, one on the likelihood of victimization and the other on the risk for perpetrating sexual aggression. In both scoring groups, the inmate is either a known "victim or aggressor," "potential," or "unknown." The Auditor was provided with the PREA Screening Reference Guide on administering and scoring the tool to ensure that the application is objective. The Auditor also asked the Intake Officer and Nurse to show the process by which the questions were asked. The screening guide also identifies if the scorer believes the individual inmate may need to be classified higher or lower to protect them or others, they can submit the reasoning to the PREA Coordinator for consideration and review. The PREA Screening Reference Guide also has a definition to aid the intake staff to ensure further consistent and objective scoring.

Indicator (d) A review of the objective tool used in the Cumberland County Jail shows that it accounts for all ten elements required in this indicator. Agency policy defines elements consistent with the standard. "The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- a. Whether the inmate has a mental, physical, or developmental disability;
- b. The age of the inmate;
- c. The physical build of the inmate;
- d. Whether the inmate has previously been incarcerated;
- e. Whether the inmate's criminal history is exclusively nonviolent;
- f. Whether the inmate has prior convictions for sex offenses against an adult or child;
- g. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex ("LGBTI"), or gender nonconforming;
- h. Whether the inmate has previously experienced sexual victimization;
- i. The inmate's own perception of vulnerability; and
- j. Whether the inmate is detained solely for civil immigration purposes.

Both the intake staff and inmates confirm the process is done individually away from other detainees to provide the inmate with the opportunity to disclose any concerns. All random inmates interviewed, including some LGBTI inmates, support the process, including staff asking them about the feeling of safety in the environment. Medical staff asks some of the more sensitive questions in the two-part process developed by CCJ. Under the belief, a person with past victimization would be more likely to disclose to a medical professional than a uniformed officer. This also allows to silo sensitive information about past abuse to the Armor health record which has limited access.

Indicator (e) The Cumberland County Sheriff's Office tool considers the inmate's history of violence or sexual abusiveness in the community and prior institutional settings. The agency policy, the Screening tool Guide, and the actual tool reviewed by the Auditor support that individuals are screened for potential sexual aggressiveness. Individuals who screen as known aggressors or potential aggressors are kept away from known victims or potential victims. The Spillman system classifies them as keep separates.

Indicator (f) The CCSO policy requires the inmates to be reassessed within 30 days. The Policy states, "Within 30 days from the inmate's arrival at the facility, Classifications will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received since the intake screening. Classifications will use form A-144-S PREA Risk Screen for assessments." The Auditor confirmed with the classification Officer that these assessments occur in the stated time period. The Auditor was able to review inmate files to ensure compliance with the standard.

Indicator (g) The Auditor was able to ask staff informal interviews and review documentation to support PREA reassessments occur for several reasons. The inmate would be reassessed if they were either the victim or the perpetrator of sexual violence if they engaged in consensual sex in violation of facility rules if additional information becomes known that would affect the scoring. The Auditor confirmed these expectations with the PREA Coordinator, the Classification staff, and Armor Health staff.

Indicator (h) The Auditor confirmed that inmates are not disciplined for refusing to answer questions or not disclosing information as part of the screening process. The Auditor spoke with intake staff who completed the initial screening, classification staff who completed the re-assessment, and the random sampling of inmates who also confirmed they could not get in trouble for not answering these questions. Policy states, "Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs."

Indicator (i) The Cumberland County Sheriff's Office limits access to information from the screening that may be exploited. Such information completes the screening information in its electronic case management system. The computer system limits staff access to the screening information, including sensitive information that could be used to manipulate the inmate. Disclosures made in the Medical or Mental health record are completely siloed from the custody staff. During the tour, the auditor was able to see how PREA information is protected from general staff access. Medical and Mental Health charts are where key elements would be maintained, such as victimization history or sexuality. These charts are protected and have limited access in compliance with National Commission on Correctional Health Care Standards (NCCHC). The Spillman electronic record also has controls that limit access to different screens by the individual's duties.

Compliance Determination

All inmates have been screened utilizing an objective tool since the summer of 2017. The tool covers the elements of indicators (d) and (e). The facility's intake staff showed the auditor the process by which all inmates are initially scored upon admission. Staff and inmate support this process begins within the first hours on site. The tool uses information from the inmate's current arrest, prior information in the Spillman records system, and direct interview questions by both custody and medical staff. By dividing the tool into separate parts, the more sensitive information around one sexuality and prior victimizations would be contained in separate electronic medical records. Once the initial score is determined, an appropriate housing placement is determined, and the form goes into a locked box to be reviewed for accuracy by the facility PREA Coordinator. The Spillman system can advise intake and supervisory staff through a system of 'keep separate' codes to ensure likely victims and likely perpetrators are not housed together. The Spillman system also can generate reports that can track the timeliness of initial and 30-day assessment of PREA screens (Indicators (b) and (f)). At the Cumberland County Jail, the Classification Officers are responsible for completing the 30-day assessments. They are aware of the need to re-score the inmates when additional pertinent information is learned or if there is an event in the institution that may affect the score (significant assault, consensual misconduct, significant health concern, etc.). The PREA Coordinator reports that information is provided when inmates are transferred in from other jurisdictions and that CCJ shares the PREA scores with DOC upon sentence.

Compliance is based on the fact that the Cumberland County Sheriff's Office has a policy and an objective screening tool for all inmates admitted to the Cumberland County Jail. The tool contains all required elements found in standard 115.41 and has an accompanying reference guide to ensure consistent application of definitions and methodology for scoring the tool. The agency has a policy in place that sets forth the timeliness requirements for initial screening within 72 hours and a mandatory rescreening within 30 days. Inmate file reviews done by the Auditor support screening and reassessment were completed in a timely basis. All screening and reassessments are provided back to

the facility PREA Coordinator who ensures a secondary view of documentation is done, further supporting consistency and objectiveness of the process.

Standard 115.42: Use of screening information

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

115.42 (a)

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

115.42 (b)

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

115.42 (c)

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

115.42 (d)

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

115.42 (e)

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

115.42 (f)

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

115.42 (g)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO: D-243A Transgender Inmates

Transgender Review Committee Meeting notes

Transgender Admission screening

Statement of Preference form

Individuals interviewed/ observations made.

PREA Coordinator

Intake Officer

Classification

Housing Officers

Classification

Food Service Supervisor

Random Staff

Random inmates

Observation on tour

Summary Determination

Indicator (a) The CCSO policy that addresses prevention covers the 5 elements of this standard indicator (Policy A-144 Pages 4-6). Policy language includes, “ The CCSO shall use information from the risk screening required by §115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. The CCSO shall make individualized determinations about how to ensure the safety of each inmate.” The PREA screen used at CCJ provides immediate assistance in determining the appropriate housing unit for any new inmate. If an individual is a known perpetrator of sexual offenses, they would be prohibited by the agency’s electronic case management system (Spillman) from being placed in the same cell as an individual with a known victim history. As a pretrial facility, there is no required therapeutic programs, but individuals can be referred to treatment with Armor health staff or can be referred to SARSSM, the local rape crisis agency. As a jail, there are limited work positions for inmates, but PREA scores could impact employment opportunities for inmates. The Spillman System does not allow individuals with conflicting PREA scores to be placed in the same groups, such as work details. Off-unit work recommendations would take into consideration aggressiveness. Off-unit work at CCJ includes the cleaning crew, the foodservice crew, library assistants, and laundry. Staff who work in the vocational/education department or who oversee work crews felt that they had sufficient information to ensure inmate safety. They also report that group sizes are small enough for good observation, and they were aware of the importance of sightlines.

Indicator (b) The Jail Administrator and the PREA Coordinator discussed how the facility looks at the safety need of all individuals at intake and throughout the inmate’s stay. Unit housing staff and Sergeants support they monitor closely individuals who may be targeted by peers or those they perceive could be easily manipulated. Staff Random staff repeatedly stated in interviews the importance of learning the inmate’s routine and so they can identify when the behaviors change. The random inmates interviewed supported that staff are approachable, take any threat seriously, and confront negative behaviors, including any form of sexual harassment. Interviews with staff also confirm they would act if the inmate voiced concerns. During the initial screening process, inmates are asked about their perception of safety by custody and medical staff. Transgender or intersex inmates complete a

Statement of Preference form in which they can voice where they feel most comfortable being housed, the gender staff they prefer to search them, how they would prefer to be addressed (name and pronoun) All inmates also have an opportunity to discuss concerns with mental health and with classification staff during the reassessment period any new or ongoing concerns.

Indicator (c). At the time of the site visit, no individual identified as transgender or intersex. One individual reported previously identifying as transgender. The Cumberland County Sheriff's Office has a policy on working with Transgender and Intersex individuals and Intersex Inmates (D-243A Transgender Inmates). The policy statement defines for the reader the purpose and goal of the CCSO to ensure a safe and nondiscriminatory environment. "Jail classification protocols have historically defined inmates according to gender standards that arbitrarily assign individuals to "male" or "female" classes. The objectivity of these classes can be perceived as discriminatory by transgender or intersex people. This policy will act to provide guidance in more effectively managing transgender and intersexed individuals." The 5-page policy provides definitions and a set of expectations from intake to housing assignments, search preference, and the inmate's medical or mental health needs. The Transgender policy discusses offering the individual options for initial housing until the committee can review the case in the first 72 hours. "The Transgender Review Committee shall avoid blanket housing policies, such as automatically putting all transgender inmates in segregation or automatically housing transgender inmates in the general population by gender identity." The CCJ has housed transgender individuals in the facility in a manner that coincides with their preference. The Transgender case files reviewed supported the process for making decisions on a case-by-case basis for their needs. The Auditor suggests that the documentation shows structured reasoning around supporting or denying an inmate's request based on factual information, behavioral actions, and clinical observations. The documentation reviewed supported considerations of the inmate's personal safety and of emotional well-being. The Auditor was able to confirm the process from a current inmate previously identified as transgender.

Indicator (d) The Transgender committee meets with inmates upon admission, at six months or at any significant point between. As a Jail, most inmates move on before the six-month reviews. The meeting note reviewed by the Auditor supports a wide participation of facility administration, custody staff, along with medical and mental health professionals. Meeting notes discuss various aspects of the inmate's life and any change or new request. The reports document a variety of decisions on programming, housing, personal items approvals, search procedures, and medication approvals. Interviews by the Auditor with Transgender inmates confirm these meetings occur. The Auditor was also able to review a few examples of these meetings.

Indicator (e) The once identified transgender inmate interviewed confirms a meeting that occurs shortly after admission with a multidisciplinary team to discuss the supports and considerations the inmate wishes to request. A once Transgender individual supported the process, allowing them to make requests as to housing programming searches, medication, and personal items to improve their overall comfort in the facility. As inmates progress in their treatment, the multi-disciplinary team continues to assess the most appropriate housing. As stated in indicator (b), inmate's feeling of safety is part of the process considered by the multi-disciplinary team when planning. If the request is denied, the inmate is provided the reasoning behind the denial.

Indicator (f) CCSO policies A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA and D-243A Transgender Inmates requires that transgender Inmates can shower separately from other inmates. "Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates." The shower set up in the housing units does not include gang showers or showers adjacent to other toileting facilities. Transgender individuals can

shower. In units, privacy is maintained through opaque or solid ¾ shower doors that allow only the feet and the tops of the inmate’s head to be seen. The Auditor confirmed that Transgender inmates would shower separately from the rest of the population during lock-up periods.

Indicator (g) The Cumberland County Jail does not, by policy, practice, or legal requirement, house all LGBT inmates in one housing unit. There is no legal judgment requiring such a condition to exist. This was confirmed with interviews with the PREA Coordinator, random staff, and LGBTQI inmates. The Auditor reviewed the population report to further ensure this was not the practice at CCJ. Policy A-144 states, “The CCSO shall not place lesbian, gay, bisexual, transgender (“LGBTI”), or intersex inmates in dedicated units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.”

Compliance Determination

There are two policies that address the indicators in this standard Policy D-243A Transgender Inmates and policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA. As a pre-trial facility, the Cumberland County Jail utilizes the information from inmate screening to protect their safety and limit the likelihood of assaults. The agency has demonstrated how the information obtained at intake is used in the facility at multiple levels. The Documentation and Interviews completed support systems are in place to work with all LGBTQI detainees and provide extra support when needed to Transgender, intersex, disabled, LEP or other populations who others might target for abuse, harassment, or manipulation.

Standard 115.43: Protective Custody

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

115.43 (a)

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

115.43 (b)

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? Yes No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? Yes No

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

115.43 (c)

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

115.43 (d)

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

115.43 (e)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Documentation from PREA Coordinator on PC use

Individuals interviewed/ observations made.

PREA Coordinator

Special Housing Unit staff

Summary Determination

Indicator (a) The Cumberland County Jail has not housed any individual in segregation for being an actual or potential victim of sexual assault in the past three years. PREA policy A-144 states, "Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. The CCSO cannot conduct such an assessment immediately; the CCSO may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment."

Indicator (b) Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the CCSO restricts access to programs, privileges, education, or work opportunities, the CCSO shall document:

- a. The opportunities that have been limited;
- b. The duration of the limitation; and
- c. The reasons for such limitations. "

Discussion with staff working the unit confirmed there have been no cases but that protective custody individuals have access to opportunities a disciplinary inmate would not have. The Jail administrator supported they would consider many other options before placing the victim in any form of restrictive housing. The preference is the move the aggressor.

Indicator (c). As noted in indicator (b), the Jail Administrator stated the facility would not want to place any further restrictions on an inmate victim that what is necessary to ensure safety. Policy A-144 states, "The CCSO shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. If an involuntary segregated housing assignment is made pursuant to paragraph (1) of this section, the CCSO shall clearly document a. The basis for the CCSO's concern for the inmate's safety; and b. The reason why no alternative means of separation can be arranged."

Indicator (d) As noted in indicator (c), the agency policy covers the requirements. Absent a case to review, the Auditor can only consider the policy statement and administration descriptions on how they would handle such situations.

Indicator (e). Agency policy addresses the fact that if someone was housed involuntarily in the form of segregation, the case would be reviewed regularly. "Every 30 days, the CCSO shall afford each such

inmate a review to determine whether there is a continuing need for separation from the general population.”

Compliance Determination

Absent a case of involuntary segregation at the Cumberland County Jail; the Auditor must base compliance on policy, an understanding of general segregation rules, and interviews with staff working the units and the Jail Administrator.

REPORTING

Standard 115.51: Inmate reporting

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

115.51 (a)

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

115.51 (b)

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

115.51 (c)

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

115.51 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
PREA Brochure
Inmate Handbook
PREA Posters

Individuals interviewed/ observations made.

Random Inmates
Observations on tour

Summary Determination

Indicator (a) The CCJ provides inmates with multiple ways of reporting PREA concerns of sexual assault, retaliation or staff negligence that leads to abuse. The facility encourages inmates to feel comfortable reporting to any staff member, contractor or volunteer, or communicating with outside agencies. The facility provides this information in brochures, posters, handbooks, and an orientation video emphasizing the importance of reporting. CCSO Policy A-144 Prevention of Sexual Abuse, Sexual harassment, and Sexual Misconduct of Inmate/PREA states, "The CCSO provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents." Random inmate interviews confirmed that they know there are multiple ways to report a concern within the facility. Inmates knew of the postings and information in the inmate handbook that describes options to report a concern, including directly to a staff they trust, to any Supervisor or medical or mental health staff, by writing the Jail Administrator or PREA Coordinator. They also know they can call the tip line to the facility Investigator. The posters also informed inmates on the option of reporting to the Maine DOC PREA Coordinator. Inmates who reported 'PREA is not an issue' confirmed they could tell staff or 'call the number on the posters.' By

adding tablets at CCJ, reports to the investigator can be made even more confidential than using the unit phones. The Auditor also used the unit Phone to dial the tip line.

Indicator (b) PREA policy A-144 covers the requirement of this indicator. “The CCSO provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the CCSO, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to CCSO officials, allowing the inmate to remain anonymous upon request. The external reporting option to report is by writing a letter to the Maine Department of Corrections PREA Coordinator by addressing to: PREA Coordinator 111 State House Station Augusta, Maine 4333-0111. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.” The Cumberland County Sheriff’s Office has set up ways in which inmates can report a PREA concern to an outside agency. The Poster also has the address of the PREA Coordinator of the Maine Department of Corrections if they do not feel comfortable reporting to CCJ staff. Inmates were aware of these options and stated they could call attorneys or family members to report a concern. The inmates were also confident that if a family member called to report a concern, the staff would take it seriously and investigate it. The Auditor confirmed with the outside agencies that there were no complaints in the past 12 months. The PREA Coordinator for Maine DOC confirms that there were no PREA reports received in the last year related to Cumberland County Jail.

The Phone numbers for the local rape crisis agency are posted prominently in each housing unit. SARSSM, the local rape crisis agency, cannot report directly to the Jail because of funding regulations requiring a release but confirmed they would encourage the victim to report it to someone in the facility. The Cumberland County Jail can house individuals for Immigration and Customs Enforcement (ICE) on immigration violations. There were posting on each housing unit informing inmates who are not citizens about their rights and how to report a concern.

Indicator (c) Interviews confirmed, consistent with agency policy A-144, that all staff take any report of a PREA related incident seriously and report the concern to a superior or to the facility investigator. Random staff knew that they had to report the claim no matter the source of information, including anonymous notes. The staff reported that any claim, even if they thought it did not occur, needed to be reported. The staff also confirmed that they were required to file a written report on the claim after giving notice to a supervisor. Finally, the staff also confirmed they had to report on a fellow employee's actions or failure to act that leads to a sexual assault.

Indicator (d) The Cumberland County Sheriff’s Office provides inmates at the county jail several avenues for staff to report a concern of sexual assault or sexual harassment. If a CCJ staff had a concern about the supervisor or another staff being involved with a client, they report they can go to another supervisor or to a higher-ranking individual. They report they can make a report using either the posted phone numbers to the agency Investigator or to the PREA Coordinator. Staff interviews confirmed they were aware of multiple avenues to report a concern. The staff knew they could report out of the chain of command without consequences.

Compliance Determination

The Cumberland County Jail staff and inmate Interviews support there are mechanisms to ensure an investigation occurs in all allegations of sexual abuse or sexual harassment. Most inmates expressed they would tell a staff and knew they could report on behalf of another inmate or how to file a concern anonymously. Some Inmates stated they could have families or their attorney report concerns, while others named the Jail Investigator or the PREA Coordinator as someone they would approach with a

concern. Interviews with random staff support know they have to immediately report all concerns related to sexual abuse or sexual harassment no matter the source of the information or the format it is received. Staff reported no concerns in making reports up the chain of command and felt if appropriate they could go through other channels if necessary without consequences. Compliance is based on the strong understanding of the staff and inmates on how to report PREA Concerns and the importance of acting promptly. Compliance also is based on the multiple options that are posted in the facility on how to report. The Auditor took into consideration the outside agencies, including the Maine DOC to whom reports can also be made.

Standard 115.52: Exhaustion of administrative remedies

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

115.52 (a)

- Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. Yes No NA

115.52 (b)

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

115.52 (c)

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

115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) Yes No NA

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

115.52 (e)

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

115.52 (f)

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

- Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA
- Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) Yes No NA

115.52 (g)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO: F-160 inmate grievance

SCJ grievance record

inmate handbook

Individuals interviewed/ observations made.

PREA Coordinator

Jail administrator

Executive Assistant

Inmates

Observation on tour

Summary Determination

Indicator (a) The Cumberland County jail is not exempt from the standard; inmates can file a grievance on conditions that violate their rights or prison rules. Sexual misconduct is a reason for which an inmate can file a grievance. The Agency has a policy on grievances (F-160), and sections of the PREA policy A-144 also addresses grievance related to sexual misconduct allegations. From the documentation

provided, there appears to have been only one allegation of sexual abuse filed in the past year related to sexual abuse, which was investigated and not substantiated.

Indicator (b) Agency policy and client handbooks support the inmate can file a grievance to a person who is not the subject of the grievance. There is no requirement to resolve the situation through an informal process. Agency Policy A-144 (page 16) set forth these conditions, "The CCSO shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse." A review of the inmate handbook also confirms that inmates are told they can file a grievance through any staff, including the jail administrator.

Indicator (c) The facility has an Executive Assistant collect and track all grievances. Once received, a Captain assigns it to the Lieutenant, who is can investigate the claim. By using this process, the CCJ eliminates the possibility of the grievant receiving the form from the inmate directly consistent with policy. CCSO policy states, "The CCSO shall ensure that: a. An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and Such grievance is not referred to a staff member who is the subject of the complaint." Inmates at CCJ can send sealed mail. If the claim is PREA related, the PREA Coordinator and CCSO investigators would be notified.

Inmates confirmed they could use the grievance process without submitting to the individual who is the subject of the grievance or required to undergo an informal resolution process. Inmates spoke with confirmed they can send letters directly to the Jail Administrator.

Indicator (d) Policy A-144 sets forth the requirements for response and appeal consistent with the standard. "The CCSO shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. 7. Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal. 8. The CCSO may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The CCSO shall notify the inmate in writing of any such extension and provide a date by which a decision will be made. 9. At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level." Discussion with the Executive Assistant confirms that grievances in the pretrial CCJ environment are generally resolved on a faster pace than the indicator requirement, The PREA Coordinator report in a PREA allegation the investigation process would determine the response with the facility taking steps to ensure safety and monitor for any retaliation.

Indicator (e) Policy A-144 states, "Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. If a third-party file such a request on behalf of an inmate, the CCSO may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process."

Inmates spoken to by the Auditor confirmed that there is no prohibition on assisting or filing a grievance for another inmate. Staff was also aware they needed to accept all complaints or grievances from third-party individuals.

Indicator (f) Policy A-144 describes the provisions for an emergency grievance. Any emergency grievance or grievance where there is an imminent risk for sexual misconduct requires immediate notification to the facility's highest-ranking supervisor on duty. There were no incidents in which an emergency grievance was filed in the last 12 months. "The CCSO has established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the CCSO shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final decision within 5 calendar days." The initial response and final decision shall document the CCSO's determination whether the inmate is at substantial risk of imminent sexual abuse and the action taken to respond to the emergency grievance. The handbook information provided to clients instructs them that all PREA grievances should be marked as emergency grievances. Facility and agency administration confirm they will treat and sexual misconduct as an emergency grievance.

Indicator (g) Inmates can only be disciplined if, through an investigative process, it is substantiated that the grievance was filed in bad faith. This is the same standard for all PREA complaints filed, even if they are not through the grievance process.

Compliance Determination

Cumberland County Sheriff's Office is not exempt from the exhaustion of administrative remedies. The agency's policy addresses the concerns of the standard. Grievance Logs reviewed support that inmates routinely use this process to resolve concerns in the institution though there was only one PREA allegation filed. Inmates knew they could file a PREA related concern through the grievance process but acknowledge that it would not be as quick to resolve as telling a staff person directly. Inmates reported they can get assistance from other inmates in completing forms if needed. Inmates reported comfort in telling staff directly about concerns, and if they felt it was not addressed, they would go send a request to a Captain or the Jail Administrator to discuss concerns. Compliance determination relied on the policy and interviews with the PREA Coordinator, the Executive Assistant, random and targeted inmates who were aware of the grievance process as a possible avenue to report a Sexual Misconduct concern. The auditor also reviewed the investigation that was started by an inmates grievance

Standard 115.53: Inmate access to outside confidential support services

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

115.53 (a)

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

- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

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

115.53 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
 PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
 CCJ Inmate Handbook
 ICE PREA Posters
 Posted Immigration Advocacy Numbers
 Department of Homeland Security Posting for ICE Detainees

Individuals interviewed/ observations made.

PREA Coordinator
 Jail Administrator
 SARSSM Representative

Observation on tour

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office policy A-144 addressed this indicator when it states, " The CCSO shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The CCSO shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.". The CCJ provides local rape crisis agency access, but on-site access was curtailed during the COVID-19 crisis. The Sexual Assault Response Services of Southern Maine (SARSSM) is the local rape crisis provider in Cumberland County. The Agency's employees are considered professional visitor status, which allows for confidential communication. The Cumberland County Jail holds individuals for civil immigration violations at times, but none were held this past year.

Indicator (b) All inmates are informed that confidentiality is limited if an individual is at risk of victimization at the inception of services. There is information on the posting of how to call the rape crisis agency where it will not be recorded. Most Inmates were aware the phone calls were not recorded if they called the rape crisis agency. The Auditor confirmed with inmates and advocacy organizations that professional visit opportunities outside of the COVID restrictions would allow for a more open dialog. The facility does have tablets for the inmate which has improved outside confidential communication.

Indicator (c) The Cumberland County Sheriff's Office has a Memorandum of Understanding with SARSSM. The agreement is renewable. SARSSM is part of statewide rape crisis agency Maine Coalition Against Sexual Assault (MECASA). The MOU with SARSSM was signed by the organization's president and the Jail Administrator on a yearly basis. The Auditor was provided information about the renewal process and provided examples of the past three years of MOUs. The Auditor confirmed the MOU has been renewed with a representative of Sexual Assault Response Services of Southern Maine, and the PREA Coordinator provided a copy of the document.

Compliance Determination

Inmate victims at CCJ can access victim advocates for emotional support. The agency has entered into a Memorandum of Understanding with the Sexual Assault Response Services of Southern Maine (SARSSM) to provide support to victims (Indicator (c)). As part of the audit process, the Auditor spoke by phone to a SARSSM representative, who confirmed their ability to provide service at the Cumberland County Jail. The PREA Brochure and signage at both facilities had a toll-free number for inmates to access from the payphone in the facility or with a mental health worker. The handbook tells inmates they can call or write SARSSM who could come to the facility to provide professional visits when the COVID crisis is resolved. Tablets also can aid in a confidential communication to SARSSM. In determining compliance, the Auditor also considered policy language, interviews with the SARSSM, that inmates could identify how confidential the communication is within the facility, including mail and telephone contacts and the information posted throughout the facility.

Standard 115.54: Third-party reporting

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

115.54 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Summary Determination

Indicator (a). Cumberland County Sheriff's Office has developed a mechanism for individuals who want to report PREA concerns as a third party, including fellow inmates, family, or friends. Information can be done in person, by phone, US mail, or by contacting the CCJ PREA Coordinator through the agency website <http://www.cumberlandso.org>. The PREA Page also has the Anonymous tip line information that will be screened by one of the agency's PREA Investigators. There is information directing Inmates in the PREA brochure, PREA poster, inmate handbook, and the website noted above. The staff interviewed were aware that they must take all reported concerns about PREA potential violations, including third parties. The facility phones allow for inmates to dial out the advocates. Postings supporting reporting by all were visible both inside the facility and in the facility's public areas. The CCJ Policy addresses the requirements of this standard. "The CCSO has established a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute public information on how to report sexual abuse and sexual harassment on behalf of an inmate. Inmates may also report sexual misconduct to a public or private entity or office apart from the CCSO by mail. Staff shall have the option of reporting known or suspected acts of sexual misconduct through the chain of

command or privately to the Jail Administrator. The PREA Coordinator shall ensure inmates have access to confidential outside victims' advocates by posting mailing addresses and telephone numbers in areas that inmates may access. Communication between inmates and any advocacy organizations shall be in as confidential a manner as possible. However, inmates shall also be aware of the extent to which communication will be monitored and the extent to which reports of sexual misconduct will be investigated. See Policy and Procedure F-140 Inmate Telephone System."

Compliance Determination

The Auditor finds the Cumberland County Jail compliant with having a third-party reporting system. Compliance determined based on policy, the systems CCSO has put in place to support the inmates, and that inmates were aware they could make a complaint on behalf of another inmate. The Auditor also considered staff who understood they must report all PREA allegations no matter the source.

OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

Standard 115.61: Staff and agency reporting duties

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

115.61 (a)

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

115.61 (b)

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

115.61 (c)

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

115.61 (d)

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

115.61 (e)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
PREA investigations
Maine.gov Adult Protective Services
Armor PREA training materials
Armor health documentation on infirming limits of confidentiality

Individuals interviewed/ observations made.

PREA Coordinator
Random staff
Investigator
Medical and Mental Health staff

Summary Determination

Indicator (a) In several parts of the Agency's PREA policy -144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA, staff are directed to report all knowledge or suspicion related to sexual misconduct against an inmate. Policy states, ". The CCSO shall require all staff to report immediately to the Shift Lieutenant any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the CCSO; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation shall immediately be

followed up with an incident report. This reporting requirement applies to all facility staff; including health services and to mental health practitioners, unless the reporting is precluded by law. Apart from this report, staff shall not reveal any information related to a sexual abuse report to anyone other than when necessary to make treatment, investigation, and other security and management decisions. “ Staff understood, as evident in random staff questioning, the expectation around reporting all incidents related to sexual harassment or sexual abuse. Random staff reports these notifications would be completed immediately and include when an inmate discloses information about abuse in a prior institution or even if they do not believe the event to have occurred. The staff were also clear that staff misconduct through actions or inactions leading to abuse must be reported.

Indicator (b) As noted in indicator (a), the policy language of CCSO requires staff to keep confidential all allegations of sexual misconduct except to the individuals required for investigating such events. Staff interviewed were aware of the importance of keeping information disclosed by an inmate to those with a need to know, such as the Supervisor on duty and appropriate medical or mental health staff who may respond.

Indicator (c) As noted in previous standards, the Armor Medical and Mental Health Staff ensure client confidentiality unless there is a risk that another could impact the safety of individuals. Staff report inmates sign that they understand the limits of confidentiality with medical and mental health upon initiation of services. Inmates confirm that the information shared with Armor is confidential unless someone is in danger. The Auditor reviewed consent forms that inmates sign that informs them of the limitations on confidentiality. “Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (1) of this section and to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services.” The Auditor also confirmed this expectation in the review of Armor health services training materials.

Indicator (d) The juvenile aspects of indicator d) does not apply, as they are not housed at CCJ. Crimes against senior inmates or others with developmental disabilities are reportable to Maine’s Department of Adult Protective Services. Crimes against these protected populations may result in additional charges. It was reported that the Attorney General’s Office would potentially become involved in the case.

Indicator (e) All staff are clearly aware that the facility investigator and PREA coordinator must be called as part of the response plan. Documentation reviewed in the investigative files and documents loaded into POWER DMS support that staff refers all information on potential sexual offenses in a timely fashion and that the investigative teams are put into action immediately.

Compliance Determination

There are policies that direct staff of Cumberland County Jail in the handling of a report of Sexual Assault or Sexual Harassment. These policies include Cumberland County Sheriff’s Office policy A-144 Prevention of Sexual Abuse, Sexual Harassment, and Sexual Misconduct of Inmates/PREA. Random staff interviews confirmed that staff are aware of the immediate need to report all accusations of Sexual Assault or Sexual Harassment, including third-party and anonymous complaints. The staff interviewed knew they also had to report on a coworker whose actions or inactions led to a sexual assault.

All staff, including the medical and mental health contractors, were aware of mandated reporting, their legal responsibility to report, and the importance of confidentiality except to supervisory and medical to aid in getting access to treatment or allowing investigation. The Cumberland County Sheriff’s Office Investigators confirms that crimes against vulnerable adults or individuals with diminished capacities

will be reported to the appropriate state agency. Inmates' interviews supported an understanding on the limits of confidentiality that medical or mental health professionals have. Compliance is based on interviews, the policy, and supporting documentation that shows investigations are initiated immediately upon knowledge of the facility of an incident. The Auditor was also able to see how the Maine DOC PREA Coordinator is used as an outside reporting resource for the county jail. The Auditor also took into consideration the various investigative files supporting a quick response by staff in the learning of any sexual misconduct.

Standard 115.62: Agency protection duties

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

115.62 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
PREA Investigation supporting moving separating accusers

Individuals interviewed/ observations made.

Sheriff
Jail Administrator
Duty Sergeant
PREA Coordinator

Summary Determination

Indicator (a) Cumberland County Sheriff's Office *Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA* (page 19) requires the facility staff to take immediate action if someone is at risk." When the CCSO learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate." Interviews with the County Sheriff, the Jail Administrator, and discussions with other management staff confirm there is an immediate response to any situation where physical or sexual harm is imminent. Random staff knew the importance of quick responses in situations. The facility provided an example of the movement of inmates when allegations of actual or potential abuse were found. The Jail Administrator reports that they will assess both parties and determine the best plan of action. They can easily separate individuals with multiple units, including moving a known aggressor to higher security units if needed.

Compliance Determination

Compliance is based on interviews and the examples provided. In each of the instances provided, the facility responded immediately, providing direct conversation with the shift commander and movement on the potential aggressor.

Standard 115.63: Reporting to other confinement facilities

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

115.63 (a)

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

115.63 (b)

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

115.63 (c)

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

115.63 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Documentation of Investigation started from reports from other facilities

Memo from PREA Coordinator

Individuals interviewed/ observations made.

PREA Coordinator

Jail Administrator

Summary Determination

Indicator (a) The Cumberland County Jail Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA page 19 addresses the requirements of reporting to other confinement facilities of incidents of sexual assault that had occurred in those facilities. "Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Jail Administrator shall notify the head of that facility or appropriate office where the alleged abuse occurred. Such notification shall be provided as soon as possible but no later than 72 hours after receiving the allegation. The CCSO shall document that it has provided such notification. "

Indicator (b). Indicator (a) noted that the policy requires that notification is done in writing and within 72 hours. Jail Administrator was aware of responsibilities, including the documentation of notification if he had to notify another facility of the accusation. There was no incident in the past year requiring the notifications of another institution based on information provided to CCJ. Documentation was provided to the auditor supporting notification in a 2018 incident at another county jail.

Indicator (c). Consistent with the policy statement above, the Cumberland County Jail's Administrator reported that all notifications to other institutions will occur within 72 hours of the facility becoming aware of an incident.

Indicator (d). CCJ's PREA policy states, "Upon receiving an allegation that an inmate was sexually abused while confined at the CCSO, the Jail Administrator shall ensure that the allegation is investigated." The documentation provided showed, but the Cumberland County jail investigated allegations they received from other institutions. The auditor reviewed two investigation files from outside source reporting. One included allegations investigated in the past three years from a newly reported allegation of a 2013 incident. One incident could not be substantiated, while the other newer allegation was unfounded after it was proven the individual did not have a roommate as was claimed.

Compliance Determination

Compliance with this standard was based on the agency policy, the Jail Administrator's knowledge of the requirements, and the documentation provided. CCSO policy addresses the requirements of reporting to other confinement facilities of incidents of sexual assault that had occurred in those facilities. The Sheriff also confirmed the expectations of immediate investigations/cooperation of any complaint to or from any other facility.

Standard 115.64: Staff first responder duties

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

115.64 (a)

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

115.64 (b)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Summary Determination

Indicator (a) Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA (page 19-20)) addresses the requirements of the First Responder Standard. "Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:

- a. Separate the alleged victim and abuser;
- b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- c. 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
- d. 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.

If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff." Interviews with random staff, including non-correctional officers, supports they know the steps required to ensure quick access to care while protecting potential evidence. Staff were all able to provide examples of what they had learned about protecting evidence, including closing off the area where the assault happened and requesting the individuals involved not to eat, drink, brush, use the toilet, shower, or change clothing. The agency has developed a PREA Incident checklist that staff uses to ensure the first responder duties are met. Investigative files reviewed supported first responder duties were completed. There were no current victims in the population that required a first responder action.

Compliance Determination

The Cumberland County jail has put in place training and resources to ensure all staff knows their responsibilities as first responders to incidents of sexual abuse. The agency's PREA policy and supporting checklist outline the steps to be taken to preserve evidence and protect the detainee. Compliance is based on policy, interviews with staff, and documentation from previous investigations that support first responders act consistently with policy directives.

Standard 115.65: Coordinated response

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

115.65 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
 PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Jail Administrator
 PREA Coordinator
 Lieutenant
 noncustody staff
 correctional officers
 medical and mental health staff

Summary Determination

Indicator (a) CCSO’s PREA policy sets forth the requirement of the development of coordination of resources in response to incidents of sexual misconduct. Policy A-144 states, “The CCSO shall follow the facility plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.” The Cumberland County Jail has developed a six-page coordinated response plan to guide staff through the various steps in an incident of sexual assault. The Jail Administrator and the PREA Coordinator confirmed that staff, including supervisory staff, were aware of the plan. The plan has several sections directing first responders, Sergeants, Medical and Mental Health staff, and Investigators on steps necessary. The plan also has key information to be able to contact the local hospital to notify ahead of transport the need for a SAFE and how to call a rape crisis advocate. The Auditor confirmed with the shift commanders (Lieutenants) about the plan and their expected steps.

Compliance Determination

A review of the elements of the plan and discussion with facility leadership and staff members in the various identified positions supports compliance. Random staff interviews showed a consistent understanding of their role in the plan, as did discussions with medical, mental health, supervisory staff, and facility leadership. Compliance is based on these interviews, the written plan, the agency's policy, and the evidence in the investigation file supporting coordinated actions

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

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

115.66 (a)

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Union Contracts

Investigation files

Individuals interviewed/ observations made.

Sheriff
Jail Administrator
Investigator

Summary Determination

Indicator (a) Discussions with the County Sheriff confirmed that the contracts with unions representing the Jail employees do not prevent him from removing the staff person during an investigation into a criminal act such as PREA sexual assault. CCSO policy A-144 states, "Neither the CCSO nor any other governmental entity responsible for collective bargaining on the CCSO's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the CCSO's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted." A review of three different union contracts found no language that would prevent the use of administrative leave during an investigation into possible staff wrongdoing. Contract language includes the ability to suspend an individual for just cause. The Auditor reviewed with the facility investigator a 2020 incident during which a staff member was put out on administrative leave and eventually terminated for sexual misconduct.

Compliance Determination

The Cumberland County Sheriff's Office is compliant with the expectations of this standard. The auditor reviewed documentation in policy, union contracts, and actual incident investigations that support the ability of CCSO to keep victims safe from their accused abusers.

Standard 115.67: Agency protection against retaliation

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

115.67 (a)

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

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? Yes No

115.67 (c)

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

115.67 (d)

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

115.67 (e)

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

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Sheriff

Jail Administrator

PREA Coordinator

Investigative Staff

Summary Determination

Indicator (a) Cumberland County Sheriff's Office has information on the expectation to monitor individuals after any PREA claims. The information is contained in Policy A-144 on page 20. It states, "The CCSO shall protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate the PREA Coordinator or designee is charged with monitoring retaliation" At CCJ, the PREA Coordinator has the responsibility to track for retaliation. The Jail Administrator or Captains would monitor staff members.

Indicator (b) The Jail Administrator supported the facility is large enough with sufficient housing units to ensure individuals who have been separated post a PREA Incident can be safely managed to ensure no retaliation. Inmates would routinely be offered counseling services, and case workers would provide routine check-ins to ensure the client is feeling safe. The Jail Administrator confirmed that he could work with other counties Jail Administrators to ensure the inmate feels safe in extreme situations. The CCSO policy state the facility," shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

Indicator (c) The agency's policy supports all individuals (Inmates and Staff) who report a PREA incident are monitored for changes in behaviors that might be a symptom of their being retaliated

against. Policy states, consistent with the indicator, "For at least 90 days following a report of sexual abuse, the CCSO shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff and shall act promptly to remedy any such retaliation. Items the CCSO shall monitor include, but are not limited to, any inmate disciplinary reports, housing or program changes, or negative performance reviews or reassignments by staff. The CCSO shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. The monitoring will be documented using form A-144-RM PREA Retaliation Monitoring". The form developed by the PREA Coordinator also addresses the elements of this indicator. The individual completing the form must document if they reviewed discipline, if housing moves occur or requested, programmatic or job performance changes, and document if face-to-face communication has occurred or if a mental health follow-up was requested from any of the monitoring concerns. The Auditor was able to see this form completed over the 90-day monitoring period

Indicator (d) The occurrence of status checks can be documented through the form as well as the mental health notes as all victims would be referred for support. The reports document at a minimum, a weekly review of discussions with the client and their records to see if there are concerns on discipline, housing, medical or Mental health programming, and overall performance. Inmates who were monitored confirmed they were periodically met with to see how they were doing since reporting an incident.

Indicator (e) As noted in indicator (b) the facility has sufficient means to protect an inmate. The facility's Jail Administrator supported the facility's ability to protect individuals and hold aggressors accountable. The random staff were able to describe actions they would take to protect an inmate who comes to them with any safety concerns. The random inmates interviewed supported that they could go to staff if there was a concern about their safety and felt the staff would take the issue seriously and would keep them safe. Even before the staff knew it was a PREA allegation, the report documented the steps taken to protect the inmate in one incident reviewed.

Indicator (f) The Auditor is not required to review this indicator.

Compliance Determination

The Cumberland County Sheriff's Office has a policy in place to address the elements of this standard. Documentation supports the facility has been compliant with monitoring expectations. The facility did have cases in which the inmates have been monitored. The Jail Administrator would utilize his administrative staff to further monitor staff.

The Jail Administrator and the Cumberland County Sheriff confirmed that multiple mechanisms would be put in place to protect individuals who report sexual assaults. They reported efforts would include changing housing, preventing contact between the accused and the victim, and monitoring reports about the inmate or staff to see if there is any change in behaviors.

The facility has a monitoring form to document monitoring efforts and an administrative report available to supervisory staff on inmates that need to be kept separate. The standard is compliant based on information provided, interview statements, examples of monitoring and the policy.

Standard 115.68: Post-allegation protective custody

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

115.68 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Jail Administrator
PREA Coordinator

Summary Determination

Indicator (a) CCSO policy address the indicator when it states, "any use of segregated housing to protect an inmate who is alleged to have shall be subject to the requirements of standard 115.43 (Protective Custody)." The protective custody portion of policy A-144 addresses the conditions in which an inmate can be placed in segregated housing. The policy requires that there is an administrative assessment within the first 24 hours in cases of involuntary segregation. The policy sets forth required reassessment points and that a victim involuntarily segregated not lose privileges. The Cumberland County Jail has not had to use involuntary administrative segregation to protect an inmate who has alleged sexual abuse. The facility would prefer to only move the aggressor to segregation if an incident was to occur. The facility has other housing options to provide temporary stability to the inmate if they fear of being in a general population unit, including a special housing unit that is smaller or in the medical unit if needed.

Compliance Determination

Compliance, without any incident of segregation use post allegation, is based on policy and discussions with the facility management on their goal of avoiding the use of segregation to keep individuals safe. The facility has multiple housing options to move individuals who cooperate in an investigation to keep them safe.

INVESTIGATIONS

Standard 115.71: Criminal and administrative agency investigations

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

115.71 (a)

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

115.71 (b)

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

115.71 (c)

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

115.71 (d)

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

115.71 (e)

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

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? Yes No

- Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? Yes No

115.71 (g)

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

115.71 (h)

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

115.71 (i)

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

115.71 (j)

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

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO: O-15 Criminal Investigations-Operations

CCJ PREA Response plan

Investigation files 2018-2021

Inmate Handbook

Individuals interviewed/ observations made.

Agency PREA Coordinator

Jail Administrator

Investigative Staff

Summary Determination

Indicator (a) Cumberland County Sheriff's Office has two trained law enforcement staff who will be responsible for both criminal and administrative investigations. Policy A-144 defines the investigative team's responsibilities, including the need for a prompt, thorough investigation of the facts and a complete report outlining the processes undertaken and the reasoning behind the findings. "When the CCSO conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. 2. Where sexual abuse is alleged, the CCSO shall use CID investigators who have received special training in sexual abuse investigations pursuant to §115.34." The Policy and the Sexual Assault Response Plan define duties, and agency policy requires investigation of all allegations, including those from third parties or anonymous sources. The CCSO investigators are law enforcement agents outside the command structure of the Jail Administrator. This separation further supports the objective nature of the investigatory process. Random staff interviewed supported they must report all claims no matter the source or if they believe the incident to have occurred.

Indicator (b) As noted in 115.34, the CCSO has two individuals who have completed a course on Investigations of Sexual Assaults in a Correctional Institution. In addition to the training documentation provided in 115.34, the auditor also reviewed the files to ensure that these two investigators were the only individuals to complete sexual abuse or sexual harassment investigations at the Cumberland County jail.

Indicator (c) Investigative staff interviewed, inmates who were part of an investigation confirmed, and investigative files reviewed supported the requirements of this indicator. The Lieutenant and the investigative sheriff know how to collect evidence from a crime scene to ensure chain of custody of evidence, including DNA. Line staff at CCJ are also trained to preserve evidence, including locking potential crime scenes and encouraging the victim not to do anything that would degrade the quality of the DNA evidence. As noted in 115.21, a forensic exam of the victim would not occur at CCJ but at a local hospital with SANE-trained nurses. The investigation file also confirms the interview of the victim, alleged perpetrator, and witness are done routinely as part of the investigation. The Investigators interviewed were able to describe the process they undergo in completing an investigation, including how they may consider historical information.

Indicator (d) The investigator supports that compelled interviews have not occurred in the current cases and that they would work closely with the local prosecutor on the case. Policy A-144 describes the expected interactions with the prosecutorial authorities. The policy states, "When the quality of evidence appears to support a criminal prosecution, the CCSO shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution." In reviews with the Auditor, the Investigators discussed wherein the process they would inform the prosecutor. The recent criminal cases did not require compelled interviews.

Indicator (e) The investigator interviewed confirmed that there is no requirement of a victim to undergo any polygraph or other truth-telling process to proceed with an investigation. The Investigator confirmed in the discussions with the Auditor what the policy requires (A-144). "The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. No CCSO CID staff shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation."

Indicator (f) All criminal investigations involving staff will include "Administrative or Internal Affairs investigations: a. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and b. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Administrative investigations into sexual harassment claims or other staff actions in sexual misconduct investigations can result in discipline outside of termination. All administrative investigations that are completed must have a related investigation file that includes written or oral statements, video or other physical evidence, and the reasoning behind the conclusions reached. In one of the recent allegations investigated, the agency moved to termination based on documented policy violations before the prosecutor had determined if they were to move forward on the case.

Indicator (g). All criminal investigations completed by the CCSO investigative team result in a written report as required in the agency's related policies. The investigative files reviewed by the Auditor included documentation of interviews, physical evidence, and videos or other documents reviewed as part of the investigatory process. All files also have an investigation checklist to allow tracking of information obtained. The Auditor reviewed several cases between the two investigators and found the reports and documented evidence used in coming to the files stated conclusion.

Indicator (h) Agency policy requires all criminal acts to be referred for criminal prosecution. It states, ". Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution."

Indicator (i) The CCSO record retention requires a greater retention period than five years beyond the separation of the parties from the institution. "The CCSO shall retain all written reports referenced in paragraphs (6) and (7) of this section for as long as the alleged abuser is incarcerated or employed by the CCSO, plus five years. This was confirmed through the PREA Coordinator's interview. The Agency PREA Coordinator has access to a database that all investigations are kept.

Indicator (j) Agency policy and the Investigators interviewed confirmed individuals' departure from the institution would not result in the case being closed. The CCSO Investigators are trained law enforcement officers as defined by the Maine Justice Academy with full police authority to go outside the institution to continue to pursue information related to the case. Both individuals have over two decades

of experience and will work with local jurisdictions as needed if the victim or perpetrator has left the facility.

Indicator (k) Auditor is not required to audit this provision.

Indicator (l) This indicator does not apply as noted above; the CCSO has full authority to complete criminal investigations in its facilities.

Compliance Determination

As the county's law enforcement agency, the Cumberland County Sheriff's Office will complete all investigations related to PREA at the Cumberland County Jail. The Facility has two primary investigators for jail activities, including PREA. Cheryl Holmes serves as the lead investigator of all inmate-on-inmate crimes, including PREA and Lieutenant Joel Barnes, who works as the Internal Affairs Officer, for all PREA complaints that involve staff. Officer Holmes, as noted in 115.34, has also worked as a rape crisis counselor. As noted in 115.34, both officers have been trained in investigating Sexual Assault in a correctional environment. Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA (page 21) and *Policy O-15 Criminal Investigations-Operations*) covers the various elements of this standard. Policy language includes completing all investigations promptly, thoroughly, and objective; it sets the standards for evidence collection, interview process, and coordination with the local prosecutorial authority. Interview with the investigator confirmed the standard of proof, determining the credibility of a witness, and that all conduct appearing to be criminal is referred for prosecution. Interviews also confirmed that CCSO would continue to investigate cases even after the departure of either a victim or a perpetrator and the polygraphs or other truth-telling devices are not a condition of proceeding in an investigation. In determining compliance, the Auditor considered the results of the interview, the stated factors above, the policy in place and the investigatory files that were reviewed.

Standard 115.72: Evidentiary standard for administrative investigations

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

115.72 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Investigators

Summary Determination

Indicator (a). The Auditor confirmed with the investigators that CCSO policy, A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA requires no greater standard than the preponderance of evidence be used in determining whether an allegation of sexual assault or harassment can be substantiated. Policy states, "when the CCSO conducts its own investigation into allegations of sexual abuse and sexual harassment it shall do so promptly thoroughly and objectively for all allegations including third-party and anonymous reports the CCSO shall impose no higher standard than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment have been substantiated." Investigative staff have taken the NIC training "PREA: Investigating Sexual Abuse in a Confinement Setting" course which covers this topic. They also attended a PREA Resource Center-sponsored event in 2017 hosted by the Massachusetts Department of Corrections. The all-day training in February of 2017 was on Sexual Assault Investigations. The auditor reviewed with the investigators how they came 2 determining if a case was substantiated unfounded or unsubstantiated in the course of an investigation.

Compliance Determination

The Auditor relied on the interviews with investigators, training records and the review of investigation case files in determining the Standard is compliant. The agency also has policy language in place to direct the investigator on evidence to substantiate a PREA incident's findings.

Standard 115.73: Reporting to inmates

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

115.73 (a)

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

115.73 (b)

- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency

in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) Yes No NA

115.73 (c)

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

115.73 (d)

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

115.73 (e)

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

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
PRO: A-
PREA Investigation notifications
PREA Monitoring forms

Individuals interviewed/ observations made.

Interview with an Investigative Staff
Interview with PREA Coordinator
Interview with PREA Monitor

Summary Determination

Indicator (a) the Cumberland County Sheriff's Office provides notification to all inmates on the outcome of their investigations into sexual misconduct. The agency 144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA page 21-22 requires the notification to inmates if the allegation was substantiated, unsubstantiated or determined to be unfounded. Interview with the Investigator supports that she comes to one of these three conclusions in all sexual abuse or sexual harassment cases. The policy states, "Following an investigation into an inmate's allegation that he or she suffered sexual abuse at the CCSO facility, the PREA Coordinator shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded."

Indicator (b) This indicator does not apply as CCSO completes criminal and administrative investigations at the Cumberland County jail.

Indicator (c) The policy A144 also requires notification if the accused perpetrator is a staff person, contractor or volunteer if the individual has been removed from areas where they would come in contact or if they have been removed from access to the facility. The policy also requires notifications be made to any inmate regarding any indictment or conviction of a perpetrator as long as the victim is still in custody. The Policy states, "Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the CCSO shall subsequently inform the inmate (unless the CCSO has determined that the allegation is unfounded) whenever:

- a. The staff member is no longer posted within the inmate's unit;
- b. The staff member is no longer employed at the CCSO;
- c. The CCSO learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- d. The CCSO learns that the staff member has been convicted on a charge related to sexual abuse within the facility."

One Inmate who had made an allegation spoke with the auditor on the timing of a staff member's return to his unit. The auditor reviewed with the PREA Coordinator the dates in which the staff was removed from the unit and the date he returned to work in that unit post-investigation. The mentation on the forms provided support inmates are informed at various stages

Indicator (d) The Policy language covers the requirements of the standard. "Following an inmate's allegation that he or she has been sexually abused by another inmate, the CCSO shall subsequently inform the alleged victim whenever:

- a. The CCSO learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- b. The CCSO learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The Auditor was provided documentation supporting notification to victims on inmate-on-inmate allegations of sexual abuse or sexual harassment.

Indicator (e) The Auditor was provided the notification letters provided to the inmates who remained in the custody of CCSO at CCJ. The forms are set up to notify the inmates at various points of the investigation, consistent with the standard. The information from communication with inmates who had filed a PREA complaint supports that there is notification even if they are not in agreement with the outcome.

Indicator (f) The Auditor is not required to audit this provision.

Compliance Determination

The Auditor was able to review documents in investigative files that support inmate notifications occur. Clients who had made PREA allegations confirmed they were notified of the outcome. The Auditor finds the facility in compliance with the standard, based on policy, the documentation provided, interviews with the investigator, the PREA Coordinator, and the inmate who had previously filed PREA allegations.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

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

115.76 (a)

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

115.76 (b)

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

115.76 (c)

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

115.76 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO A-10 Discipline

Individuals interviewed/ observations made.

Summary Determination

Indicator (a) CCJ policy, A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA (pages 22-23) states that staff who violate agency sexual abuse or sexual harassment policies are subject to disciplinary action. Disciplinary actions, including termination, which will be presumed consequence for a substantiated finding of sexual abuse. "The CCSO employees found guilty of committing sexual abuse or sexual harassment toward inmates are sanctioned in accordance Standard Operating Procedure A-10 Discipline. Staff shall be subject to disciplinary sanctions up to and including termination for violating CCSO sexual abuse or sexual harassment policies. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse." the auditor reviewed discipline policy A-10 for consistency with the stated practice.

Indicator (b). As stated in indicator a, the CCSO policy confirms that termination is the presumptive disciplinary sanction for staff who engage in sexual abuse or sexual misconduct with inmates. In their interviews, both the jail administrator and the County Sheriff were very clear that such behavior would not be tolerated. There were two cases of staff terminations in the past three years for sexual misconduct.

Indicator (c). "Disciplinary sanctions for violations of CCSO policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be 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." There were no discipline of staff for actions that were not criminal.

Indicator (d). "All terminations for violations of CCSO sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies." The Maine Justice Academy was informed of the custody staff person who was terminated.

Compliance Determination

Compliance for this standard was based on the agency's past practice, interviews with the Jail Administrator and Sheriff, and documentation of handling a staff-involved case. The facility had reviewed the most recent case for the prosecution

Standard 115.77: Corrective action for contractors and volunteers

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

115.77 (a)

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

115.77 (b)

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

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Documentation of no contractor/ volunteer discipline in past three years

Individuals interviewed/ observations made.

PREA Coordinator

Medical, mental health staff

Summary Determination

Indicator (a) Policy A-144 set forth for expectations for contractors, volunteers, or interns, who engage in sexual misconduct with inmates. The policy states, "Any contractor, intern or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The CCSO shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of CCSO sexual abuse or sexual harassment policies by a contractor, intern or volunteer." documentation provided support that there have been no incidents of sexual misconduct by contractors, volunteers, or interns in the past three years.

Indicator (b). As noted in the previous indicator, CC SO policy supports that the facility will take remedial action in determining whether to prohibit further contact with inmates by individuals in the standing groups.

Compliance Determination

Absent an incident of sexual misconduct by a contractor or volunteer the auditor had to base compliance determination on policy and interviews with facility management. Because of the COVID-19 outbreak, the CCSO has limited the use of volunteers over the last 18 months. The Jail Administrator confirmed he could immediately halt access to any individual alleged to have engaged in sexual misconduct with an inmate. As also previously stated, contractors such as medical or mental health professionals who violate such rules would be reported to licensing bodies.

Standard 115.78: Disciplinary sanctions for inmates

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

115.78 (a)

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

115.78 (b)

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

115.78 (c)

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

115.78 (d)

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

115.78 (e)

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

115.78 (f)

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

115.78 (g)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PRO: F-200 Inmate Discipline

PREA Coordinator's memos on PRRRA related discipline 2018-21

Cumberland County Inmate Handbook

Inmate investigations / discipline hearing (2019)

Individuals interviewed/ observations made.

Investigative Officer

Jail Administrator

PREA Coordinator

Inmates

Summary Determination

Indicator (a) Inmates who have been found to have engaged in a criminal offense, including sexual assault, are not only subject to criminal prosecution they are also referred for facility disciplinary hearing. Two policies address inmate discipline at CCJ, CCSO policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA, and policy: F-200 Inmate Discipline. Policy A-144 sets forth the obligation to discipline inmates who again who engage in incidents of sexual abuse, while policy F-200 defines for the reader the different levels of discipline in the institution for different types of sexual misconduct.

Indicator (b) Inmates can be sanctioned for engaging in sexual misconduct even if it is consensual. The discipline code defined in Policy F-200 and in the Inmate handbook shows multiple levels of discipline that the hearing committee could impose. The Policy also goes on to state, "Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed." Inmates with frequent discipline can receive additional sanctions. Interviews with the PREA Coordinator and Jail Administrator confirmed this practice expectation.

Indicator (d) CCJ inmates have access to a full array of Mental Health Services facilities. Policy A-144 describes the role of MH in providing diagnostic services in emergent and non-emergent situations. As a pretrial facility, the Cumberland County jail does not impose mandatory treatment for those who engage in sexual misconduct in the facility. The disciplinary committee has a dozen options to impose upon a person who engages in sexual misconduct, but mandatory counseling is not one of the listed items.

Indicator (e) The investigative staff and facility PREA Coordinator confirmed inmates who engage in sexual misconduct with staff would not be disciplined unless it is proven the staff did not consent. There

were no cases in the past three years of staff, and inmate substantiated sexual encounters that resulted in discipline.

Indicator (f) Page 23 of Policy A-144 states an inmate cannot be disciplined for a PREA allegation unless it is proven the allegation was filed in bad faith. The Investigator confirmed she must conclude this before the inmate would be subject to discipline. The Auditors review of the handbook revealed that inmates can be disciplined for sexual misconduct and for lying during an investigation. Major misconduct events can result in disciplinary restrictions, loss of privileges, and loss of good time. There were no cases in which an inmate was disciplined for making a PREA allegation in bad faith. Policy states, “For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.”

Indicator (g) Inmates who engage in consensual sexual misconduct can be subjected to discipline as defined in the handbook.

Compliance Determination

Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA (pages 23) covers all the language requirements of standard 115.78. Inmates at CCJ are subject to Policy F-200 Inmate Discipline. They are provided information on the offenses and the consequences for each act in their handbook. English and Spanish versions of this document are available on the unit Kiosks. The Disciplinary policy covers several items and a range of consequences for sexual harassment, inmate-on-inmate consensual sexual contact (indicator (g)), and rape. Sexual contact with staff, if they did not consent, is subject to discipline (indicator (e)). The Discipline code also addresses consequences for purposeful false allegations related to PREA and consequences for retaliation or threats of retaliation related to PREA cases. Discipline Policy and the handbook confirm that the committee hearing the case will consider the individual's functional capacity, allowing others to assist in the case preparation. If the impairment is so significant, the committee can refer the case to mental health. The facility provided the auditor with examples of discipline resulting from sexual harassment behavior of inmate-on-inmate incidents. Compliance is based upon the policy, documentation from the inmate handbook, interviews with the investigator and PREA Coordinator, in the documentation of past disciplinary committee meetings.

MEDICAL AND MENTAL CARE

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

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

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health

practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)

Yes No NA

115.81 (b)

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

115.81 (c)

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

115.81 (d)

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

115.81 (e)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

Individuals interviewed/ observations made.

- Medical Staff
- Mental Health Staff
- Inmates
- Observation of the medical unit

Summary Determination

Indicator (a) Though the indicator is not required for Jails, the Cumberland County Jail by policy chooses to offer mental health services to inmates who report prior abuse histories. Inmates who identified through the screening process or admitted a history of sexual trauma can be referred to either Armor Mental Health Services or the local rape crisis agency. The Auditor confirmed this practice through the review of documented cases in client files and through interviews with inmates and Mental health staff. CCSO policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA (pages 3-4) sets forth the requirement to refer all individuals who are admitted with past histories of sexual assault or Sexual victimization to mental health who will follow up within 14 days. Policy states, "If the screening pursuant to § 115.41 indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening." Medical staff report they will offer mental health support to any positive individual on the screening tool.

Indicator (b) The facility is not a prison.

Indicator (c) Inmates who engage in sexual assault or have a history of sexual offenses are automatically referred to Mental Health for an assessment. Policy A-144 states, "If the screening pursuant to § 115.41 indicates that an inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening." As a short-term pretrial facility, there are no required treatment groups.

Indicator (d) The Auditor confirmed through interviews with intake staff, Classification, medical staff, mental health staff, Custody Supervisors, and the PREA Coordinator that sensitive information is protected. Custody staff does not have access to information in the medical or mental health records of Armor. Information obtained and documented in the Spillman case management system is also limited in access to those individuals who need to know. The Health Service Administrator provided information on Armor's efforts to ensure confidentiality of information that could be used against an inmate. Inmates interviewed supported that information given to counseling staff is kept confidential. Spillman information also protected by permission levels which limits staff access to certain aspects of inmate information.

Indicator (e) All inmates sign with Armor staff an understanding of the limits of confidentiality related to criminal behaviors. Nurses report this is completed at intake. Medical and Mental Health staff support routinely reiterates the limits with clients during each service session. Inmates interviewed confirmed that they had signed acknowledgment forms and verbally understood why a medical or mental health staff must disclose actual sexual abuse or imminent risk situations.

Compliance Determination

The Cumberland County Sheriff's Office has contracted Armor Correctional Healthcare to provide the Medical and Mental Health Services at the County Jail. All individuals complete a screening with both custody and medical staff upon admission. The nursing and mental health staff confirmed that individuals identified are referred to Mental Health consistently with the standards and the Policies of the CCJ and Armor Correctional Healthcare. The documentation provided and reviewed show that Inmates are referred to Armor Mental Health, who will also make referrals to SARSSM, the local rape crisis organization, for ongoing support. CCJ provides confidential electronic medical records separate from the county Spillman Electronic Record Management System. Critical information that could be used against a victim is secured in the Armor electronic medical records system. Interviews with Mental Health and Medical staff confirm that all inmates are notified about the limits of confidentiality at service initiation. To determine compliance, the Auditor took into consideration the Jail and Armor policies, interviews with Medical and Mental Health staff, and random inmates' understanding of confidentiality. The Auditor also was able to review files that showed a practice consistent with stated policy.

Standard 115.82: Access to emergency medical and mental health services

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

115.82 (a)

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

115.82 (b)

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

115.82 (c)

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

115.82 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire
 PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA
 Armor Policy J-F-06 Response to Sexual Assaults
 Memo from RN Supervisor on services available to victims
 Maine state law 719
 Maine AG’s Guidelines for the Care of Sexual Assault Patients.

Individuals interviewed/ observations made.

Armor Medical Staff
 Armor Mental Health Staff
 Inmates
 PREA Coordinator
 Local hospital representatives
 Observation of the medical unit

Summary Determination

Indicator (a) The Cumberland County Jail has a full-service medical clinic that operates around the clock. Registered Nurses are always available, and there is after-hours availability of on-call medical and mental health practitioners. The services are diverse and consistent with community health clinics. Inmates report access to these services if they are in crisis. Medical staff report having medical autonomy if the inmate must go out of the building for emergency services to facilitate that trip. The Armor medical staff state the facility administration is supportive of the work they do, and they work to resolve issues when they arise. In the event of a sexual assault, inmates at CCJ would go to one of two area hospitals with SANE-trained nurses and support from local rape crisis agencies.

Indicator (b) Medical services are available 24 hours per day at the Cumberland County Jail. Random staff knew as part of their first responder duties that immediate notification to medical was required. This

is also stated in the facility's Sexual Assault Response plan. Policy A144 direct custody staff, when it states, "If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 115.62 and shall immediately notify the appropriate medical and mental health practitioners."

Indicator (c) Discussions with both Hospital staff and facility medical staff confirm that sexual assault victims would be offered prophylaxis medications and emergency contraception. The Auditor confirmed the same medications would be offered to the inmate again upon return from a forensic exam even if they initially denied it. Armor medical staff confirmed they would educate the inmate on the importance of such medications for continued health. Maine's Attorney General's Guidelines for the Care of Sexual Assault Patients recommend the use of prophylaxis medications for STD and pregnancy contraception options.

Indicator (d) The Auditor confirmed that Armor medical services related to sexual assault victims are provided without cost. Both Armor and CCSO policies address the fact that service will be provided without cost. The Auditor also confirmed that victims of sexual assault are provided initial and follow-up services at local hospitals through funding from the state. This is done to encourage all victims to come forward for help. The clinic at CCJ would function in the same way by providing follow-up care. Maine state law 719 enacts the state's obligation through the Attorney General's Office to ensure payment for forensic exams and related treatment for victims of sexual assaults.

Compliance Determination

Cumberland County Jail can quickly respond to and provide emergency care and referral to a local hospital for forensic services located just blocks away. The Cumberland County Jail PREA response plan outlines the steps taken to ensure access to care. The CCJ has on-site medical nursing staff 24 hours per day. The facility also has on-call providers that can help to facilitate the referral to an outside medical provider. Armor and CCJ staff will follow the requirements as outlined in Policies A-144 and J-F-06. The two local hospitals confirmed SAFE or SANE capabilities. As part of the audit process, the Auditor spoke to a community representative to confirm the access to SANEs and the services provided to victims of sexual assault. There is no financial cost to any inmate in DOC. The State of Maine Website has the document: SEXUAL ASSAULT FORENSIC EXAMINER PROGRAM GUIDELINES for the CARE OF THE SEXUAL ASSAULT PATIENT. Compliance determination took into consideration the access to services, Armor and CCSO policies, information from the State of Maine on forensic exam requirements, and interviews completed.

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

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

115.83 (a)

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

115.83 (b)

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

115.83 (c)

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

115.83 (d)

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

115.83 (e)

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

115.83 (f)

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

115.83 (g)

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

115.83 (h)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Armor Policy J-F-06 Response to Sexual Assaults

Memo from RN Supervisor on services available to victims

Individuals interviewed/ observations made.

Medical Staff

Inmates

SARSSM Representative

PREA Coordinator

Observation of the medical unit

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office ensures that all inmates are provided with the appropriate level of medical and mental health services for any issues of sexual abuse. Armor Health staff will provide the appropriate level of care depending on how long ago the abuse occurred. If the incident has occurred recently, the inmate will be offered a forensic exam at a local hospital if the incident is a prior life event that occurred in another institution or in the community. The medical and mental health teams will complete a health assessment and mental health referral for services. If the inmate was more comfortable discussing the abuse with a rape crisis agency staff, a mental health referral can be made to SARSSM the local rape crisis agency to provide the appropriate supportive counseling.

Indicator (b) Inmates who are victims of sexual assault at CCJ are immediately referred to mental health services as well as medical services. Even if the assault occurred in the community or at another county jail; the inmate, once identified, is referred to Armor for follow-up services. If the inmate prefers, they can be referred to the local rape crisis agency for support services post an incident of sexual misconduct. The Armor Medical and Mental Health staff confirmed, as did the SARSSM representative, that they would make referrals to ensure continuity of care if the inmate were released home or transferred to another facility. Armor health policy J-F-06 describes the expected response of medical and mental health staff during a sexual assault incident and upon the inmates return to the facility from a forensic exam.

Indicator (c) As noted in indicator (a), the medical clinic at the Cumberland County Jail facility is equivalent to an urban community medical clinic. The facility offers a full array of medical and mental health services, including dental and vision. The infirmary addresses the needs of illnesses associated with the wide age range at CCJ. The facility provides mental health services, including counseling, medication management, and, when needed, the extra support

of the mental health unit or direct observation room in the clinic space. The nursing Supervisor provided a memo outlining the available services to a victim of sexual assault. The Auditor also took into consideration the policy language in J-F-06, which further describes steps to be taken by both medical and mental health services.

Indicator (d) Interviews with Armor health services staff and local hospital staff both confirm the victims of sexual abuse would be offered pregnancy testing. Policy A-144 (page 24) confirms that all-female victims would be offered pregnancy testing even if they initially refused at the hospital Armor policy. Medical staff at the hospital confirmed pregnancy testing is offered.

Indicator (e) if a victim of sexual assault becomes pregnant while housed at the Cumberland County Jail, Armor health staff will afford all pregnancy-related information on services available within the state law. Policy

Indicator (f) The Auditor confirmed with both the medical staff at CCJ and the representatives of the two area hospitals used by CCJ that victims of sexual assault are offered testing for sexually transmitted diseases. This testing is provided free of charge, consistent with agency policy.

Indicator (g) Treatment services are provided to victims of sexual abuse without cost to the inmate, including if the inmate must go out for a forensic exam. Maine has a victim's compensation fund that will absorb the cost of the exam. This is reportedly done to ensure finances are not a barrier to victims seeking treatment. Policy A-144, confirms the expectation of no-cost services. "Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident."

Indicator (h) NA the facility is a Jail

Compliance Determination

The policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA and Armor Health Care policy J-F-06 both speak to each aspect of this standard. The availability of SARSSM (local rape crisis service) allows for ongoing treatment services if they prefer to use them instead of the onsite mental health staff provided by Armor. Through contracting with rape crisis centers, the County Jail has opened the inmate victims to resources post-release. As part of the audit process, the auditor spoke to representatives of both these agencies, who ensured coordination of services to victims in custody and upon release was available. The services provided between the community hospital, the facility, and the contracted services providers ensure that inmates at the CCJ are provided with equitable services to those provided to victims in the community. Armor provides medical services 24 hours per day and access to Qualified Mental Health Professional services onsite and on-call. Discussions with representatives of both local hospitals also ensure appropriate testing and forensic services would be made available to victims from the Jail. Compliance is based on the resources available on-site and community-based services, the interviews with medical and mental health staff, and interviews with representatives of SARSSM and the local hospitals with support appropriate care.

DATA COLLECTION AND REVIEW

Standard 115.86: Sexual abuse incident reviews

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

115.86 (a)

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

115.86 (b)

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

115.86 (c)

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

115.86 (d)

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

115.86 (e)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Sexual Abuse Incident Reviews

Individuals interviewed/ observations made.

Investigative Officer

Inmates

Jail Administrator

PREA Coordinator

Medical and Mental Health staff

Summary Determination

Indicator (a) Policy A-144 (page 24) sets forth the requirement of an incident review on all cases of sexual misconduct unless the investigation has determined the allegation was unfounded. The policy states, "The Jail Administrator has established a committee, whose purpose shall be to conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including allegations which have not been substantiated unless the allegation has been determined to be unfounded. Such reviews shall occur within 30 days of the conclusion of the investigation.". The Auditor was provided with examples of the review team's findings on the Sexual Abuse Incident Review Form. The Cumberland County jail provided examples of the review process across the past three years.

Indicator (b) Policy A-144 (page 24) states the review should occur within 30 days of the investigation conclusion. The policy says, "The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The PREA Coordinator is aware of the timing requirements of this indicator, and the investigative files reviewed supported the meeting were held in a timely fashion from the closure of the investigation.

Indicator (c) As stated in indicator (b), the multi-discipline nature of the team is addressed in policy. In the review of documentation provided and various staff interviewed, the multi-disciplinary nature of the team was confirmed. The review was chaired by the PREA Coordinator and included medical and mental health representation and the facility's administrative and supervisory staff.

Indicator (d) The elements described in this indicator are all covered in policy A-144 page 24. The policy states, “The review team shall:

- a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- b. Consider 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;
- c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- d. Assess the adequacy of staffing levels in that area during different shifts;
- e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (3)(a)- (3)(e) of this section, and any recommendations for improvement and submit such report to the facility head and PREA Coordinator.”

The agency form used to document the review panels considerations includes the required information. The form asked if the policy needs to be reviewed, it looks at the underlying motivation of the incident, including if the victim was targeted due to their perceived member of a particular group. It goes on to look at staffing, physical plant issues, and surveillance needs. Comments can be added to the form about the case, and in one form, the indication was the inmate targets younger inmates. The PREA Coordinator was aware of the elements, as was the Jail Administrator.

Indicator (e) The form documents the finding of the various questions and provides the reader with information if the team has determined any recommended actions to take place. Policy states, “The CCSO shall implement the recommendations for improvement, or shall document its reasons for not doing so.” Two of the forms reviewed supported recommendations were made. CCSO requires the Jail Administrator to sign off after a final review.

Compliance Determination

The CCSO policy A-144 requires what information needs to be part of the incident review with language directly from standard. In the samples reviewed, information supported that the questions in indicator D were all asked and answered. The review team included a multi-disciplinary team of management, custody, and medical and mental health services. Finally, the committee makes recommendations after completing a critical review to improve the facility's overall safety. Compliance was determined based on policy language, the documentation provided, and staff understanding of the requirements.

Standard 115.87: Data collection

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

115.87 (a)

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

115.87 (b)

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

115.87 (c)

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

115.87 (d)

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

115.87 (e)

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

115.87 (f)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

PREA Incident Database extract 2018-2020

Completed SSV reports

PREA Coordinator documentation on DOJ request

Individuals interviewed/ observations made.

Jail Administrator
PREA Coordinator

Summary Determination

Indicator (a) The agency collects data consistent with the policy definitions which were developed to be consistent with the standard. A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA states, “The PREA Coordinator shall collect accurate, uniform data for every allegation of sexual abuse at the facility under its direct control using a standardized instrument and set of definitions.” The Auditor was provided a copy of the CCJ PREA Incident Database, which shows consistent information is provided for both the secure and community confinement settings. CCSO, as stated in 115.12, does not contract beds for housing of its inmates.

Indicator (b) The Cumberland County Sheriff’s Office completes an annual report with aggregate data from the Cumberland County Jail. The Auditor was able to see the data over a three-year period from 2018 to 2020. The Auditor also reviewed the agency’s annual report, which is published on the CCSO website. The PREA Coordinator described for the Auditor how information on the incident is funneled to him. Interviews with middle management staff confirmed that the PREA Coordinator is informed of any allegations.

Indicator (c) The Auditor was able to confirm the various elements of the Survey of Sexual Violence are maintained and could be used to complete the report if requested by the Department of Justice. Agency policy sets forth the requirement of collecting data consistent with the SSV. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.” “There has been no request by the Department of Justice for a Survey of Sexual Violence report from CCJ. Interviews with the PREA Coordinator confirmed the elements required were tracked. The PREA Coordinator provided completed SSV reports as proof of sufficient element tracking. The Auditor also took into consideration information reviewed in investigatory files.

Indicator (d) The CCSO requires the retention of records at all records related to sexual assault allegations facilities. Copies of criminal files involving inmates-on-inmate contact will be retained locally with a copy to the PREA Coordinator. The PREA Coordinator would receive all incident outcomes and ensure data accuracy.

Indicator (e) The Cumberland County Sheriff’s Office does not subcontract beds to supervise individual in custody.

Indicator (f) The Department of Justice has not requested PREA related information from the Cumberland County Jail in the past year.

Compliance Determination

The Auditor has found the standard to be compliant. The CCSO has a system in place for collecting uniform data that could be used to complete the Survey of Sexual Violence. The 2020 CCSO Annual PREA report also includes data for the CCJ facility. Compliance is based on discussions with the PREA Coordinator, Jail Administrator, and facility supervisory staff, which supports the information is routinely tracked and provided to the PREA Coordinator. Documentation of the data tracking system and the completed SSV surveys further support compliance.

Standard 115.88: Data review for corrective action

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

115.88 (a)

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

115.88 (b)

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

115.88 (c)

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

115.88 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Annual PREA Reports 2018-2020

Cumberland County Sheriff's Office website

Individuals interviewed/ observations made.

Interview with Agency PREA Coordinator

Interview with the Warden

Interview with the Director of Operations

Summary Determination

Indicator (a) The Cumberland County Sheriff's Office utilizes both data related to PREA incidents and data related to other critical safety incidents to determine program improvements. The Sheriff reports that he meets with agency leadership weekly, including the Jail Administrator. The Sheriff reports the CCJ PREA Coordinator is also present for the initial part of the meeting to discuss data and overall compliance efforts. The Jail Administrator echoed the Sheriff's expectation on how data is used with his management team to assess needs. Interview with the Jail Administrator and the PREA Coordinator support critical analysis for PREA incidents and all critical events. Examples were provided of how improvements have been identified and implemented to improve inmate safety. The Jail Administrator confirmed his team looks for trends to further guide policy/ procedural practices or the disbursement of resources. Agency policy names the PREA Coordinator as the individual responsible for the collection of information and directs him on its use. "The PREA Coordinator shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

- a. Identifying problem areas;
- b. Taking corrective action on an ongoing basis; and
- c. Preparing an annual report of its findings and corrective actions for the facility, as well as the CCSO as a whole."

Indicator (b) The CCSO publishes an annual report comparing the number of sexual assault and sexual harassment claims from one year to the previous year's data. The report shows if the accused was a staff or an inmate and provides the outcome determination.

Indicator (c) The CCSO Sheriff confirmed PREA annual report developed by the PREA Coordinator and reviewed by the Jail Administrator is approved by him before being placed on the agency's website. The Auditor reviewed the website for the documentation.

Indicator (d) The CCJ removes all identifiers from summary reports. The Auditor was able to review several documented reports on PREA that show cumulative data without utilizing identifiers.

Compliance Determination

CCSO policy set forth expectations consistent with standard language, The data elements are required to be reviewed by the PREA Coordinator to ensure consistent data. Interviews with Sheriff and the Jail Administrator supported they utilize data to make informed decisions on programmatic and policy needs. This is consistent with the standard expectation to critically review data to identify problem areas and enact corrective actions. Since the PREA Coordinator works as the facility compliance Specialist, trends can be reviewed, and recommended changes can be identified for the Jail Administrator. The

Auditor finds the facility to be compliant with the standard expectations. This determination was based upon the interviews completed and the documents reviewed.

Standard 115.89: Data storage, publication, and destruction

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

115.89 (a)

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

115.89 (b)

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

115.89 (c)

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

115.89 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Interview with Agency PREA Coordinator

Summary Determination

Indicator (a) The CCSO has policies that protect the security of information. Policies A-144 outline the safety of PREA information and who has access. Discussions with the PREA Coordinator, the individual who completes screenings, the investigators, and medical and mental health staff describe layers of controls in place to ensure no unnecessary disclosure. The Spillman electronic case management system and electronic medical records systems limit the access that can be used to exploit. In response to an incident, all relevant information can be retained by the PREA Coordinator in a locked file cabinet in his private office.

Indicator (b) The CCSO ensures the information related to PREA incidents and the agency’s efforts to support a zero-tolerance culture are published in an annual report available on the agency website. The annual report describes the agency and facilities' efforts to create and maintain PREA safe environments. The website also includes information on the number of PREA incidents alleged to have occurred and the investigative outcomes.

Indicator (c) The annual report located on the CCSOs website does not include any identifiers.

Indicator (d) Policy, as mentioned in 115.87, set forth the obligations of the agency’s PREA Coordinator as the individual responsible for collecting all incidents. The PREA Coordinator is aware that all PREA related Data be maintained for a period of no less than ten years. Policy languages also confirm this expectation, “The CCSO shall maintain sexual abuse data collected pursuant to §115.87 for at least ten years after the date of the initial collection unless Federal, State, or local law requires otherwise.”

Compliance Determination

The Cumberland County Sheriff’s Office (CCSO) Policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA address the requirements of this standard. All facility data is provided to the agency PREA Coordinator who is responsible for maintaining and securing all data. When the facility has an incident, all identifying information is to be removed before any information is made public. All data for the annual report is required to be kept a minimum for 10 years by policy A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/ PREA. Compliance is based on an interview with the PREA Coordinator, Information available on the County Sheriff’s Website, and the facility policy defining the requirements.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

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

115.401 (a)

- During the three-year period starting on August 20, 2013, and during each three-year period thereafter, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (N/A before August 20, 2016.)
 Yes No NA

115.401 (b)

- During each one-year period starting on August 20, 2013, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited? Yes No

115.401 (h)

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

115.401 (i)

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

115.401 (m)

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

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

PREA Coordinator

Summary Determination

Indicator (a) The Cumberland County Sheriff's office completed its first PREA Audit in 2018. The agency only has one facility; as such, this is its second audit and is being completed within a three-year period. The Cumberland County Sheriff's Office website shows the prior PREA audit report and, annual PREA reports. Also supporting compliance was consistent documentation in all standards by CCJ across the three-year period. The documentation supports what the auditor finds found on-site, that PREA is a daily consideration in the facility.

Indicator (b) the CCSO only has one facility.

Indicator (h) The Auditor did have open access to all parts of the facility. Despite COVID-19 social distancing measures, the Auditor was able to move freely about the housing units on tour to be able to speak informally with inmates and staff to ensure they were aware of the audit, the agency's efforts to educate inmates, and how to seek assistance if the need arises. The accreditation assistant aided in the auditor returning to areas for further review when needed.

Indicator (i) The Cumberland County Jail uses POWER DMS electronic PREA auditing files. The Web-based application allows for electronic storage of information. The Auditor was also able to get copies of other documentation as requested on-site and during the post-audit period.

Indicator (m) The Auditor was able to interview inmates throughout the facility in private spaces. The space provided was appropriate to allow the Auditor and the inmate to speak freely without others being able to hear our conversations. The Auditor was able to socially distance and use a mask during the audit, but it did not appear to impact the interview process. Most inmate interviews took place in a classroom space adjacent to the housing units. Most staff interviews took place in the Jail Administrator's conference room.

Indicator (n) The Auditor received no confidential mail from inmates, staff, or other interested parties. Inmate knew about the audit the posting, and that information to the auditor would be confidential unless there were safety or criminal concerns.

Compliance Determination

The Cumberland County Sheriff's Office has now had PREA audits in successive three-year periods. the facility supported compliance by showing prior documentation across a three year. From 2012 2018 to 2020. the well documented files support that PREA is a daily consideration at CCJ. The auditor was allowed appropriate access throughout the facility during his stay. For the above stated reasons, the auditor finds the standard has been met.

Standard 115.403: Audit contents and findings

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

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Policies and written/electronic documentation reviewed.

Cumberland County Jail Pre-Audit Questionnaire

PRO: A-144 Prevention of Sexual Abuse, Sexual Harassment and Sexual Misconduct of Inmates/PREA

Individuals interviewed/ observations made.

Interview with Agency PREA Coordinator

Summary Determination

Indicator: (f) The Cumberland County sheriff's Office website has the previous PREA Audit posted. This was determined through a review of the CCSO Website.

Compliance Determination

The CCSO website has the previous facility PREA Audit posted under its PREA information link. The Auditor's prior experience with the agency allows first-hand knowledge of the prompt uploading of these documents. The Auditor also took into consideration that the Agency PREA Coordinator was also aware of the timing requirement for the posting of the audit report.

AUDITOR CERTIFICATION

I certify that:

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

Auditor Instructions:

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

Jack Fitzgerald

9/17/21

Auditor Signature

Date

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

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