

**Disclaimer:** This report, as required per 28 CFR §115.403, details the findings of an audit that was conducted by an outside contractor to determine the Federal Bureau of Prisons' (BOP) compliance with the Prison Rape Elimination Act (PREA). As the work product of independent auditors subcontracted by [PREA Auditors of America \(PAOA\)](#), the BOP is **not** responsible for grammatical or typographical errors. Additionally, any questions or comments regarding the discrepancies or inaccuracies found within this report should be directed to PAOA at [\(713\) 818-9098](#), or to the subcontracted independent auditor (name and email address can be found on page one of the report), for explanation and resolution.

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

Interim       Final

Date of Interim Audit Report:       N/A

Date of Final Audit Report:      March 3, 2022

## Auditor Information

Name: Dr. Valerie Wolfe Mahfood

Email: Valerie@preaauditing.com

Company Name: PREA Auditors of America

Mailing Address: P.O. Box 1071

City, State, Zip: Cypress, Texas, 77410

Telephone: (713) 818-9098

Date of Facility Visit: January 25-27, 2022

## Agency Information

Name of Agency: Federal Bureau of Prisons

Governing Authority or Parent Agency (If Applicable): U.S. Department of Justice

Physical Address: 320 First Street, NW

City, State, Zip: Washington, D.C., 20534

Mailing Address: 320 First Street, NW

City, State, Zip: Washington, D.C., 20534

The Agency Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Agency Website with PREA Information:

[https://www.bop.gov/inmates/custody\\_and\\_care/sexual\\_abuse\\_prevention.jsp](https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp)

## Agency Chief Executive Officer

Name: M.D. Carvajal, Director

Email: BOP-RSD-PREACoordinator@bop.gov

Telephone: (202) 616-2112

## Agency-Wide PREA Coordinator

Name: Magean Malespini, Acting National PREA Coordinator

Email: BOP-RSD-PREACOORDINATOR@bop.gov

Telephone: (202) 616-2112

PREA Coordinator Reports to:  
Sonya D. Thompson, Assistant Director, Reentry Services  
Division

Number of Compliance Managers who report to the PREA  
Coordinator:  
0

## Facility Information

Name of Facility: United States Penitentiary (USP) Marion

Physical Address: 4500 Prison Road

City, State, Zip: Marion, IL 62959

Mailing Address (if different from above):

P.O. Box 2000

City, State, Zip: Marion, IL 62959

The Facility Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Facility Type:

Prison

Jail

Facility Website with PREA Information: [https://www.bop.gov/inmates/custody\\_and\\_care/sexual\\_abuse\\_prevention.jsp](https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp)

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

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

ACA

NCCHC

CALEA

Other (please name or describe: AAAHC)

N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:

A comprehensive Operational Review was conducted in all departments at USP Marion prior to the PREA Audit

### Warden/Jail Administrator/Sheriff/Director

Name: D. Sproul

Email: MAR-PREAComplianceMgr@bop.gov

Telephone: (618) 964-1441

### Facility PREA Compliance Manager

Name: J. LeClair

Email: MAR-PREAComplianceMgr@bop.gov

Telephone: (618) 964-1441

### Facility Health Service Administrator N/A

Name: E. Harbison

Email: MAR-PREAComplianceMgr@bop.gov

Telephone: (618) 964-1441

### Facility Characteristics

Designated Facility Capacity:

USP: 850, SCP: 200

Current Population of Facility:

USP: 1,205, SCP: 157

Average daily population for the past 12 months:

USP: 1,137, SCP: 137

Has the facility been over capacity at any point in the past 12 months?

Yes  No

Which population(s) does the facility hold?	<input type="checkbox"/> Females <input checked="" type="checkbox"/> Males <input type="checkbox"/> Both Females and Males
Age range of population:	USP: 20-80 years, SCP: 23-72 years
Average length of stay or time under supervision:	USP: 170 months, SCP: 114 months
Facility security levels/inmate custody levels:	USP: Medium, SCP: Minimum
Number of inmates admitted to facility during the past 12 months:	826
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>72 hours or more</i> :	826
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <i>30 days or more</i> :	826
Does the facility hold youthful inmates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	<input checked="" type="checkbox"/> N/A
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):	<input checked="" type="checkbox"/> Federal Bureau of Prisons <input checked="" type="checkbox"/> U.S. Marshals Service <input type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input type="checkbox"/> State or Territorial correctional agency <input type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: <input type="checkbox"/> N/A
Number of staff currently employed by the facility who may have contact with inmates:	286
Number of staff hired by the facility during the past 12 months who may have contact with inmates:	27
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	14
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	14
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	26

## Physical Plant

<p>Number of buildings:</p> <p>Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	66
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<p>Number of inmate housing units:</p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	USP: 12, SCP: 01
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Number of single cell housing units:	7
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Number of multiple occupancy cell housing units:	5
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Number of open bay/dorm housing units:	1
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Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):	69
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In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
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Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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## Medical and Mental Health Services and Forensic Medical Exams

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

**Criminal Investigations**

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

<p>Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?</p>	<p>253</p>
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<p>When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply</p>	<input checked="" type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
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<p>Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)</p>	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe:) <input checked="" type="checkbox"/> N/A
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# Audit Findings

## Audit Narrative (including Audit Methodology)

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

The Prison Rape Elimination Act (PREA) Site Review of the United States Penitentiary (USP), located in Marion, Illinois, was conducted January 25-27, 2022. This facility is an adult male prison operated under the authority of Federal Bureau of Prisons (BOP). The USP Marion (MAR) was audited through a contractual agreement between the BOP and PREA Auditors of America (PAOA).

As such, the USP Marion audit was initially contracted by the BOP through the PAOA. As a function of that contractual agreement, approximately 12 weeks prior to the onsite audit, the PAOA assigned one of its contract staff workers to perform the USP Marion PREA audit. On November 24, 2021, the PREA Audit advisement notices were posted throughout the facility for inmate/staff review. The responsibility of Auditor was assigned to Valerie Wolfe Mahfood, PhD. No support staff were assigned to this audit. As such, the auditor was responsible for conducting the site review of the entire facility, as well as interviewing both staff and inmates. The auditor was also responsible for all pre-onsite and post onsite audit obligations, reviewing facility documentation relative to the audit, completing the interim audit report if needed, and for ultimately producing the final audit report.

The current audit is a Department of Justice PREA Audit for the USP Marion, which finalized its previous PREA audit in June of 2019. At that time, the USP Marion had exceeded three and met 42 of the possible 45 standards.

To begin the current audit process, the auditor and the Central Office Management Analyst, Robert Barnett, began communications approximately eight weeks prior to the start of the onsite review. At that time, a schedule of continuing communications, as well as the production of required audit components and/or documents; to include the completion of the Pre-Audit Questionnaire. Both the PREA Pre-Audit Questionnaire and its supporting documentation were subsequently provided to the auditor via a secured storage drive approximately eight weeks prior to the onsite audit.

Additionally, the purpose of the PREA process as a practice-based audit, as well as the role of the PREA auditor within those functions, were both discussed. The logistics relative to viewing the facility and to interviewing targeted, as well as random staff, were planned. The goals of the onsite audit and the expectations in facilitating those goals; to include unfettered access to all areas of the facility, staff, and inmates, were discussed. Lastly, along with the possibility of corrective actions being needed, the avenues by which those actions could be addressed were also discussed. The use of a Process Map, which both parties already possessed, was agreed upon as a means to maintain deadline goals, encourage continued communications, and to ensure that all other necessary components of the audit process were satisfied. Hence, by way of the Process Map, clearly set timelines and expected milestone completion dates for the upcoming audit were established.

Once the PREA Pre-Audit Questionnaire was received, the auditor immediately began reviewing its contents. In doing so, the auditor looked for both the material it contained, as well as for any omitted information. To assist with this process, the auditor utilized the PREA Compliance Audit Instrument and

the Checklist of Policies/Procedures and Other Documents, which then helped to generate a chronological issue log sorted by ascending standards. As needed, the auditor submitted requests to the Central Office Management Analyst for additional documents and/or clarification of the documents already provided. Agency staff quickly responded to all auditor requests for information by providing comment and/or documentation, usually within one business day of the request.

Along with the PREA Pre-Audit Questionnaire, the auditor was also provided documented proof of the PREA Audit Notice being posted throughout the facility at least six weeks prior to the onsite audit, specifically on November 24, 2021. Photos documenting the posting of PREA Audit Notices were provided via the aforementioned secure storage drive. In this, the auditor was provided four photos of PREA Audit Notices being posted throughout the facility, as well as the adjacent camp, in areas of high inmate traffic, such as inmate housing areas, visitation areas, recreational areas, and outside entrance areas. These notices, posted in both English and Spanish, contained large, bold text that provided observers with notice of the audit, assurance and limitations of confidentiality regarding contact with the PREA auditor, as well as all necessary contact information for the PREA Auditor. The date stamped photos, along with a statement provided by the USP Marion PREA Compliance Manager at the time of the audit, both verified that the photos were, in fact, posted throughout the facility at least six weeks prior to the onsite inspection. To help verify the posting of audit advisement notices, the auditor noted the receipt of correspondence from three inmates assigned to the USP Marion. During the onsite review, two of these inmates were interviewed concerning the letters submitted. The third inmate was no longer assigned to the facility. As well, during the onsite interviews, both staff and inmates were asked about the timing of the posted notices.

As a function of the audit process, rape advocacy agencies were contacted. Just Detention International, a nationally based organization that provides referral services for rape advocacy resources, and The Women's Center, a locally based rape advocacy center specifically serving incarcerated individuals at the USP Marion, were both contacted. Both agencies were asked if they had received any correspondence or other communication specific to allegations of sexual abuse and/or sexual harassment occurring at the USP Marion. These agencies were also asked if they had received said communication, had persons within their agencies been allowed to communicate with the reporting individuals without undue restrictions. In response, Just Detention International stated that it had not received correspondence from inmates assigned to the USP Marion within the last 12 months. The Women's Center did not respond to any email communications.

Additionally, the BOP's Third-Party Online Reporting System was tested to ensure functionality. In this, a mock complaint was submitted via the agency's online PREA complaint form. An automated *received* response was immediately generated. Actual communication from the facility was subsequently received the following day.

The Federal Bureau of Prisons publishes its PREA policies and other relevant information on its website:

[https://www.bop.gov/inmates/custody\\_and\\_care/sexual\\_abuse\\_prevention.jsp](https://www.bop.gov/inmates/custody_and_care/sexual_abuse_prevention.jsp)

This site contains information related to the agency's PREA program; including policies specific to the PREA; namely, the Sexually Abusive Behavior Prevention and Intervention Program Policy Statement #5324.12. The website contains the Federal Bureau of Prisons Annual PREA Report (CY 2020) and a link to the National Prison Rape Elimination Act Resource Center. There is also a link to "voice a general concern about an inmate," which is an online complaint form for use by the general public. As well, the physical addresses to submit written correspondence about inmate abuse of other inmates and staff abuse of inmates are provided. It should, however, be noted that PREA audit reports for individual



facilities are not listed under this section. Rather, that information is conveniently filed under the *Locations* section; specifically, it's included with the individualized information of each facility.

Ten days prior to the onsite portion of the audit, a systematic review of all links contained on the agency's PREA web site was engaged. At that time, all links were functioning properly.

Prior to the onsite portion of the audit, a general Internet search of both the BOP and the USP Marion was conducted. In this, the auditor searched for any information specific to sexual abuse and sexual harassment of inmates occurring within the BOP, but more precisely, within the USP Marion during the audited time frame. The auditor conducted a search of the Lexus Nexis database system for litigation or other judicial rulings sustaining allegations of sexual abuse and sexual harassment specific to the USP Marion. The auditor searched the Bureau of Justice Statistics database for academic publications regarding sexual abuse and sexual harassment within a confinement setting specific to the BOP, and more precisely, to the USP Marion. The auditor searched professional publications, such as *Corrections One*, for information regarding sexual abuse and sexual harassment specific to the BOP, and more precisely, to the USP Marion. The auditor conducted a general search for information specific to the USP Marion in both the online databases of the *State Journal-Register*, the capital city's (Springfield, IL) newspaper, and the *Marion Republican*, a local Marion newspaper. The auditor also reviewed *Prison News Today*; an electronic database specifically designed to capture newspaper stories featuring prisons. Additionally, the auditor reviewed the most recent PREA audit report for the USP Marion and the Federal BOP Annual PREA Report (CY 2020).

On January 25, 2022, at approximately 07:30 AM, an entrance briefing for the PREA audit was conducted. In attendance were the Central Office Management Analyst (via Zoom), USP Marion PREA Compliance Manager Ginger Soza, USP Marion Warden Dan Sproul, as well as other USP Marion staff. Within this meeting, the auditor provided a general overview of the auditing process, as well as the necessary actions required during the onsite portion of the PREA audit. It was further explained that a final PREA audit score report would not be provided at the close of the onsite review. Rather, due to the need to adequately examine and synthesize all the information gathered during the onsite portion of the audit, the final report would be issued no later than 45 days following the last day of the onsite audit.

Additionally, the auditor asked the USP Marion PREA Compliance Manager to prepare a current list of all inmates assigned to the USP Marion, as well as current lists of inmates who identify as being/having: disabilities, limited English proficiency, LGBTI, assigned to segregated housing due to their high risk of sexual victimization, reported sexual abuse at any time, and/or having reported sexual victimization during the risk screening process.

The USP Marion PREA Compliance Manager was asked to prepare a current list of all staff assigned to the USP Marion, to include subgroups of specialized staff, contractors, and volunteers. The auditor also asked that lists be provided for all grievances, incident reports, allegations of sexual abuse and sexual harassment reported for investigation, as well as hotline calls made within the past 12 months. It was explained to agency staff that the auditor would use these lists to select both targeted and random inmates and staff for interview purposes. It was further explained that random correctional staff would be selected for interviews based on daily work rosters. As such, daily rosters, sorted by shift, would be necessary.

Following this meeting, the facility site review began at approximately 08:30 AM. The site review started in the Administration Building before moving into the inmate housing areas. These housing areas contained single person cells, with toilets inside each cell. While the toilets could be seen when walking past the cell doors, all cells contained a blue privacy curtain that could be utilized by inmates to obstruct

the view of the toilet area while in use. There were two single person showers located in each range of the housing unit. Each shower contained a green privacy curtain.

The Visitation Room was inspected. The visual search area for inmates contained modesty screens. There were ample postings throughout the Visitation Area advising both inmates and visitors of the current audit, as well as the agency's zero-tolerance policy and how to make third-party reports of sexual abuse or sexual harassment.

The recreation center and chapel were inspected next. While inspecting these areas, as well as in the hallways between these areas, the presence of mirrors and cameras was observed. In these places, as well as throughout the rest of the facility, mirrors were strategically placed along the walls and within corners to create a more inclusive view of all areas within room. Within the recreation center, there was a multi-person bathroom, which contained individualized metal stalls that utilized half doors to enter these stalls. The height of the stall doors measured approximately 4.5 feet in order to accommodate for both inmate privacy and security needs.

The Education Building/Library were inspected. Within the library, inmates could access informational material regarding the agency's zero tolerance policy, as well as information specific to an inmate's right to be free from sexual abuse. Inmates also had access to resources for addressing emotional concerns as a report of having experienced prior sexual abuse. In this area, inmates were allowed to use single person restrooms, which were kept locked when not in use. To use the restroom, inmates must request that staff unlock the door. Access points to the restrooms are continuously monitored by staff.

Inside the Health Services Department, all exam rooms contained blinds over the windows, as well as portable privacy shields to allow inmates to be in a state of undress for medical examinations, if necessary. Within the Psychology Services Department, all interview rooms provided inmates with a measure of privacy for confidential mental health services.

The Food Service Department was inspected. All areas of the Food Service Department were visible to staff either by direct view or by the use of mirrors. Inmates are not strip searched in order to enter/exit the Food Service Department. In this area, inmates also use single person restrooms, which were kept locked when not in use. To use the restroom, inmates must request that staff unlock the door. Access points to the restrooms are continuously monitored by staff.

Commissary, Barber Shop, and Laundry Services were inspected to ensure adequate visibility of workstations. These departments also utilize single person restrooms that are control by staff.

The Receiving and Departure area was inspected. The R&D area contains two holding cells, which contain toilets. However, the view of these toilets is obstructed by the cell door. This area also contains two visual search rooms. Once inside the room, staff utilize a blue semi-circular curtain to ensure the inmate is provided actuate privacy while in a state of undress. Additionally, the Secure Pass area contains a privacy curtain.

While the Special Housing Unit (SHU) is fit with double occupancy cells, all inmates within SHU are currently single person housed. There are toilets and sinks within each cell, with showers located outside of the cell at the end of each range. These showers contain privacy screens to ensure inmate modesty measures. Upon request, inmates within SHU are provided regular access to the phone and computer access rooms.

Alternatively, within some SHU housing areas, there is a portable phone that can be moved alongside any cell within the range. For access to the phone in these areas, the evening shift maintains a phone

access log. Within these housing areas, inmates can also be escorted to the computer room upon request. Access to these computers can assist in a number of things, including inmates having unrestricted email access to the Office of Inspector General and PREA compliance staff.

There were posted notices throughout all housing units advising inmates on how to file reports using the agency's online reporting system, as well as how to file them anonymously. There were also ample notices advising inmates of the agency's zero tolerance policy, rape counseling services, and of the current PREA audit.

All inmate housing areas contain at least one custody staff post that is continuously occupied. As well, it was noted that all areas with significant concentrations of inmates are required to operate a custody staff post within that area during operational hours. For example, the indoor recreation center does require, and does contain, the presence of at least one custody staff while inmates are present in the area.

Within inmate housing areas, as well as prominently displayed throughout the entire facility, were Zero Tolerance advisement notices on how to report allegations of sexual abuse and sexual harassment. These notices were posted in both English and Spanish, which are the two most commonly spoken languages in the facility. The reporting mechanisms for allegations of sexual abuse and sexual harassment allow for both internal and external reports to be made either in writing or verbally. Written reports could be mailed to an external reporting agency or emailed to an internal reporting system. Inmates may also file an Administrative Remedy. Verbal reports could be made either in person or via the inmate phone system, which allows inmates confidential access to a PREA support hotline. While the PREA support hotline is designed to provide inmates with access to support services related to the trauma of sexual abuse, inmates may still use this system as an external reporting hotline for said abuse.

At the time of the on-site inspection, the USP Marion had four housing units that were quarantined for possible COVID exposure. As such, those housing units were observed from the outside of the entrance area, through windows into the unit, as well as by way of extensive video footage.

The Facilities and Unicor Department was inspected. The restrooms in these areas also allow only one inmate to enter at a time, with custody staff monitoring the bathroom area to ensure compliance.

Once outside the main compound, an inspection was conducted of the outside warehouse, power house, rear gate, garage, water treatment area, wastewater treatment area, and outshop shops. In all of these areas, inmates utilized single person restrooms. The agency's zero tolerance posters, as well as notices of the facility PREA audit, were clearly and frequently posted. Additionally, the use of camera and mirrors assisted staff in preventing the presence of unnecessary blind spots within these areas.

The USP Marion Satellite Prison Camp (SCP) contains many of the same facility services as the main compound. This is a necessary function as Camp inmates are not permitted inside the secure perimeter of the main compound. As such, along with a single dormitory housing unit, the SCP maintains its own visiting room, laundry services, and food service department. As within the main compound, administrative areas, such as medical services, contain modesty screens where appropriate. Facility policy (one in – one out restroom rules) also ensures that all inmates were provided sufficient measures of modesty as needed within those administrative areas.

Inside the dormitory area, there is a multi-person restroom area. This area contains eight toilet stalls with doors, as well as four urinals with privacy shields. There are eleven individualize showers, with each one containing privacy shower curtains.

Due to COVID, inmate transfers between BOP facilities are limited to help prevent the spread of disease. As such, there weren't any incoming inmate transfers processed during the onsite review. However, Intake staff did demonstrate a mock Intake to allow for a greater understanding of facility procedures. Consistent with agency policy, the Intake process begins the day before inmates arrive. This allows facility staff sufficient time to review all inmate files for specific PREA concerns.

Once inmates are received in the facility, PREA screenings are conducted by both facility and medical staff. It was noted that these screenings are performed in a private interview room separate from all other inmates and staff. All inmates are asked a series of standardized PREA questions to determine if they present a likely risk of being sexually abused by other offenders or being sexually abusive to other inmates. The questions are presented in a non-threatening manner without any implied bias against affirmative answers to questions acknowledging alternative sexual orientations or gender identities. Inmates are also asked to present their own views regarding their perceived level of safety. Of which, their own views toward their sexual safety are given significant consideration.

Also consistent with agency policy, following each screening, inmates are issued documentation detailing the institution's zero tolerance policy, reporting procedures, investigatory processes, and inmate rights as related to allegations of sexual abuse and sexual harassment. This information is provided to all inmates upon arrival via their receipt of the Admission and Orientation Inmate Handbook. All inmates are then housed in accordance with their security needs and proper medical/mental health referrals being made within twenty-four hours of their arrival to the facility. Follow-up interviews are conducted with each inmate within 28 days of the initial screening process. Thereafter, all inmates are reviewed by their Unit/Case Manager every six months.

During the site review, staff were also routinely observed making announcements when persons of the opposite gender entered inmate housing areas. Also, during the site review, supervisory staff were observed conducting their routine security checks within inmate housing areas. Announcements and supervisory rounds, both unannounced rounds and scheduled rounds, were subsequently documented on the Institution Duty Officer (IDO) Unannounced Institutional Rounds. While conducting their routine security checks, inmates approached supervisory staff and spoke with relative ease. As such, it appeared that the presence of supervisory staff in housing, work, educational, and communal areas throughout the facility is not an unusual occurrence.

The auditor further observed that supervisory staff used both direct and indirect practices to monitor institutional staff. As previously noted, supervisory staff were observed making routine and frequent rounds throughout the facility. Also, during supervisory rounds, ranking officials were routinely observed reviewing required documentation completed by line staff as a function of their duty posts. During the site review, IDO Unannounced Institutional Rounds were inspected in the Camp and in the Special Housing Units for historical evidence of supervisory presence, as well as for patterns of documentation that demonstrated the routine gender announcement of opposite gender staff.

The auditor made note of offender mail and grievance collection boxes. These boxes are secured, located throughout the facility in all inmate housing areas, and allowed for inmates to have unimpeded access to them during the normal course of daily activities. The collection of inmate mail and grievances is restricted to designated staff only; specifically, morning watch Unit Officers. In speaking with Mailroom staff, it was noted that inmates may send reports of sexual abuse or sexual harassment to outside entities as legal/special mail if addressed to the United States Department of Justice, Office of the Inspector General. Such a letter would not be opened or inspected by the Unit Officers for any reason. Letters addressed to confidential support services, such as The Women's Center, are considered confidential and are processed accordingly.

In total, all areas within the facility, to include the main compound and the camp, were inspected for concerns of sexual safety, to include the presence of video cameras, security mirrors, blind spots, or areas of unsecured impeded inmate access. In this, it should be noted that both the external perimeter of the facility, as well as internal operations, are monitored by closed circuit cameras. The cameras have pan, tilt, zoom, and recording capabilities. Additionally, the strategic placement of PREA information posters and audit notices was also noted. The bathrooms, along with other isolated places within inmate work, education, and program areas, were inspected. Any secluded areas within the health services department, such as examination rooms, inmate housing areas, and any communal areas where offenders could be isolated, were scrutinized. As well, throughout the facility, the auditor looked for areas that, either by their design or by intentional alterations, might provide others with the opportunity to isolate an inmate from the general population and/or staff monitoring systems. Lastly, any area where inmates might be required to routinely engage in a state of undress was examined to ensure that inmates are provided with all modesty measures as mandated under the PREA Standards. The facility tour concluded at about 3:00 PM.

The total number of facility staff, contractors, and volunteers currently authorized to enter the USP Marion is 286 persons. Of those, the facility has about 134 custody staff positions. Custody staff are generally assigned to work one of three shifts, with each shift covering approximately eight hours. Whereas, non-custody staff are generally assigned to work normal business hours and days.

In total, 41 agency/facility staff were formally interviewed or completed written interview surveys. These interviews consisted of 12 random staff from all three shifts. Random staff were selected from daily shift rosters dependent on that day's assigned duty post. Specifically, in interviewing line staff, the auditor randomly selected staff members who were currently assigned to specific housing units, programmatic activities, or those having unique positions within the facility. Additionally, the specific duty assignments polled were varied with each of the three shift rosters. Specialized staff were also interviewed or surveyed. In many instances, their designated protocols were responsive to the roles these staff members serve within the agency/facility. Hence, their interview selection was targeted as said staff members are often responsible for duties associated with more than one interview protocol. Nonetheless, in total, the selection process was devised so as to encourage interviews with staff possessing cumulative experience in various functional areas throughout the facility.

This understood, those 41 agency staff were able to provide responses to 49 interview protocols for the following audited areas: 1 Agency Head, 1 Agency Contract Administrator, 1 PREA Coordinator, 1 PREA Compliance Manager, 1 Warden, 1 Designated Staff Member Charged with Monitoring Retaliation, 2 Staff on the Sexual Abuse Incident Review Team, 2 Intermediate or Higher-Level Supervisors, 1 Human Resource Staff, 3 Investigative Staff at the Facility Level, 1 Intake Staff, 2 Staff who Perform Screening for Risk of Victimization and Abusiveness, 2 Non-Medical Staff Discussed Protocol for Cross-Gender Strip or Visual Searches (if they were to ever occur), 1 Medical Staff, 1 Mental Health Staff, 1 SAFE/SANE Nurse, 4 Staff who Supervise Inmates in Segregated Housing, 2 Custody First Responder, 2 Non-Custody First Responders, 0 Volunteers, 2 Contractors, and 12 Random Staff. Additionally, 1 Mailroom Staff, 1 Training staff, and 1 Religious Services Staff provided insight into how their job responsibilities affected PREA compliance standards. As well, 2 staff from external reporting entities discussed facility reporting information. It should, however, be noted that due to COVID restrictions, there weren't any volunteers present at the facility during the onsite inspection.

All efforts were made to interview staff in areas convenient for them, as well as to provide them with privacy in speaking. As such, staff were either interviewed in centrally located conference areas or in their private offices.

On the first day of the site review, the USP Marion maintained 1,392 inmates on its facility roster (1,248 inmates at the USP and 144 at the Camp). Given the overall population of the facility (1,001-2,500 inmates), the auditor was required to conduct at least 40 inmate interviews. Of these, the auditor was required to conduct at least 20 random inmate interviews and at least 20 targeted inmate interviews. Additionally, the auditor was encouraged to interview at least one inmate from each housing unit, as well as subsets of inmates within the targeted groups and demographic classifications of inmates. Given these considerations, a simple random sampling of the population would not have produced the most effective sampling field. As such, a complex sampling scheme using stratification was designed to ensure the most inclusive, evenly distributed sampling field available while still adhering to the requirements of targeted inmates.

To do this, the auditor was provided several lists of inmates that contained targeted and demographic classifications. These lists were generated on the first day of the site review to ensure that the inmates selected would be present in the facility. There was an overall master list that included all inmates assigned to the facility complex. This list was organized by housing assignments. There were also several rosters that contained the names of inmates belonging to targeted subgroups.

The names of 21 targeted inmates were selected first. These offenders were discovered based on lists provided by the facility and were then randomly selected based on their housing assignments, to ensure that whenever possible, in total, at least one person from any of the targeted subgroups was selected from differing housing assignments. Of those 21 targeted inmates, 1 inmate refused the interview opportunity. While engaging these interviews, it should be noted that once the interview process began, if it was discovered that some inmates fell into two or more targeted subgroups, those inmates were asked to complete surveys for the targeted subgroups in which they currently identified at the time of the interview. Hence, of the 20 targeted inmates interviewed, 29 different protocols were completed.

Twenty-two random inmates were also selected based on their age, length of incarceration, race, religion, ethnicity, work assignments, and housing assignments, with at least one inmate being selected from any housing section not already represented by the targeted inmates. It should be noted that the interview selection process was designed so that the totality of interviews would be representative of not only the average inmate, but also of inmates having unique needs as addressed across the entire prison complex. It should also be noted that despite some inmates being randomly selected, if during the interview process, it was noted that an inmate fell into a targeted group, the inmate was asked if he wanted to complete the survey related to that group. In total, all 22 random inmates agreed to be interviewed.

22 Random inmates were interviewed.

20 Targeted inmates were interviewed.

1 Targeted inmate refused to be interviewed.

In this, a total of 43 inmates were given the opportunity to formally interview during the onsite visit. Of these, one inmate refused to be interviewed. The 42 inmates who were interviewed consisted of offenders randomly selected from facility rosters based on each of the housing units, as well as targeted offenders pulled from facility rosters based on PREA classification requirements. All inmates interviewed were questioned using the Random Sample of Inmates Survey protocol. Targeted inmates were also questioned using the survey protocol appropriate for their self-identified targeted subgroup. If during the interview process it became apparent that any person belonged to any other subset of targeted inmates, then additional targeted protocols were administered as appropriate.

In summary, all 42 inmates were asked the random protocol questions. Additionally, the targeted inmates were asked appropriate protocol surveys. Of which, 29 targeted interview protocols were

administered: 2 interview protocols for inmates who are blind or have limited vision, 1 interview protocol for inmates who are deaf or hard of hearing, 2 interview protocol for inmates with physical disabilities, 1 interview protocols for inmates with limited English speaking skills, 2 interview protocols for inmates with cognitive disabilities, 4 interview protocol for inmates who identified as gay, lesbian, or bisexual, 5 interview protocols for inmates who identified as transgender or intersex, 0 interview protocols for inmates placed in segregated housing for risk of sexual victimization, 6 interview protocols for inmates who disclosed prior sexual victimization during risk screening, and 4 interview protocols for inmates who reported sexual abuse. Note: There weren't any inmates assigned to the facility who had been housed in SHU due to risk of sexual victimization.

All inmate interviews were conducted in private settings to ensure inmates felt at liberty to express any concerns they may have had with the facility's PREA compliance efforts or with their own personal safety.

As the auditor speaks Spanish, it was not necessary to use the LanguageLine to speak with the inmates of limited English proficiency who primarily speak Spanish. However, these inmates did note that if needed, staff will commonly utilize the LanguageLine or find a staff translator to help with communication. In speaking with specialized facility staff, said staff did affirm their use of translation services when necessary to communicate with inmates. As well, in speaking with random staff, the most were aware that LanguageLine services could be used to facilitate sensitive communications between agency staff and inmates when staff translators were not available.

During the onsite inspection, additional documentary and/or investigative files were reviewed either in a secured office, if appropriate (such as inmate case files) or at employee workstations, if appropriate (such as IDO Unannounced Institutional Rounds logs). Documentary files were occasionally selected at random from the totality of possible files available. However, whenever possible, the auditor did attempt to correlate documentary files across the investigatory process associated with PREA specific allegations, as well as inmate interviews. This was done to ensure the totality of both the preventative and responsive aspects of the PREA.

The USP Marion received fourteen allegations of sexual abuse/sexual harassment within the audit time frame. Ten of those investigatory files were reviewed to ensure the allegations as presented were investigated and subsequently addressed. Additionally, the auditor verified that the reporting time frames, required notifications, and prosecutor referrals, if appropriate, were made.

The facility utilizes Good Samaritan Hospital for forensic exams. The Good Samaritan Hospital has a dedicated SAFE/SANE nursing staff. However, if a SAFE/SANE practitioner is not available to conduct a forensic exam, the hospital will contact the Illinois Sexual Assault Nurse Examiner (IL SANE) Program to call in a qualified SAFE/SANE practitioner. As such, there are always qualified SAFE/SANE nursing staff available to perform forensic exams, including any exams required by the USP Marion. Within the audit time frame, USP Marion has not received any reports of sexual abuse that would have necessitated the inmate receive a sexual assault forensic exam.

While there has been no evidence to suggest that any inmate suffered retaliation for having reported sexual abuse, the USP Marion still monitors the conduct and treatment of all inmates who report sexual abuse or sexual harassment to determine if there are any changes that may suggest possible retaliation by inmates or staff. Ten inmate records for retaliation monitoring following complaints of sexual abuse or sexual harassment were reviewed on site to ensure routine monitoring occurred as required. Note: There were no retaliation monitoring documents for staff within the audit time frame. It should also be noted that there weren't any advocate requests to subsequently speak with inmates for follow-up crisis services. As such, there were no such documents to review to ensure timely disposition of said requests.

Following inmate interviews, the inmate files for all offenders who stated the facility did not conduct initial PREA training were reviewed. In all instances, the receipt of initial PREA training, as well as subsequent training, were confirmed. As well, where appropriate, inmate files were reviewed to ensure that specific referrals for mental health services were issued if needed. Employee training records were also reviewed to ensure that staff had received required PREA training.

On January 27, 2022, upon concluding the onsite portion of the PREA audit, the auditor met with the Central Office Management Analyst (via Zoom), the USP Marion PREA Compliance Manager, USP Marion Warden, as well as other USP Marion facility staff. Agency staff were then provided some preliminary observations; however, said staff were advised that a definitive audit outcome was yet to be determined pending the final triangulation of all audit material. It should be noted that during all phases of the auditing process; the pre-onsite audit, onsite audit, and post-onsite audit reviews, the auditor did not experience any barriers to completing the audit as required. Agency and facility staff were forthcoming with all information and document requests. The auditor was allowed unfettered access to all areas of the facility. All staff willingly engaged in the interview process, as well as patiently explained their roles within the facility's PREA-based Standard Operating Procedures.



## 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 physical location of the United States Penitentiary (USP) at Marion is 4500 Prison Road, Marion, Illinois, 62959. The USP Marion is operated by the Federal Bureau of Prisons (BOP). The facility's host town, Marion, is located about 120 miles southeast of St. Louis, Missouri and 185 miles southeast of Springfield, Illinois.

The USP Marion was opened in 1963. The main compound is currently classified as a medium security United States Penitentiary that houses male offenders. The USP Marion Satellite Prison Camp houses minimum security inmates. The USP Marion has a total rated capacity of 1,050 inmates, with the average daily population during the audited time frame of 1,274 inmates.

The USP Marion consists of 66 different buildings, with 13 of those being inmate housing units. The facility houses Medium and Minimum custody levels of inmates. The facility houses inmates between the ages of 20-80 years of age. The average inmate assigned to USP Marion has spent 170 months under supervision.

The USP Marion is operational 24 hours per day. The facility utilizes both direct and indirect (i.e., video monitoring and surveillance mirrors) to supervise assigned inmates. During the normal course of facility operations, inmates are provided programmatic services, such as educational, vocational, and rehabilitative programs. Additionally, inmates are routinely provided choices in non-programmatic activities, such as recreational and religious services. There are also institutional services, like medical, food, and hygiene access, such as barber and laundry services.

The average daily population for the past twelve months has been 1,274 inmates. At the start of the onsite audit, the USP Marion housed a total of 1,392 inmates, with 144 of those being assigned to the camp. The USP Marion is not currently under any court orders.

## Summary of Audit Findings

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

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

A review of all available documentation, interviews with USP Marion staff and inmates, as well as an inspection of the USP Marion facility, collectively reflects that the Federal Bureau of Prisons (BOP) and the USP Marion have developed agency wide policies in compliance with the requirements of the Prison Rape Elimination Act (PREA) standards. The USP Marion has incorporated these policies into its facility-based practices, programs, and services. While conducting a site review the complex, the auditor observed routine adherence to PREA standards by both staff and inmates. As well, inmate reactions to staff adherence of said standards during the onsite inspection reflected its institutionalization as common practice. Lastly, interviews with both staff and inmates predominately reflected that USP Marion employees adhered not only to the defined PREA standards, but also to the overarching principles under which they reside.

### Standards Exceeded

**Number of Standards Exceeded:** 8

**List of Standards Exceeded:** 115.11, 115.13, 115.14, 115.33, 115.54, 115.82, 115.83, 115.401

### Standards Met

**Number of Standards Met:** 37

### Standards Not Met

**Number of Standards Not Met:** 0

**List of Standards Not Met:** NA

## 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 an Acting PREA Compliance Manager? (N/A if agency operates only one facility.)  Yes  No  NA
- Does the Acting 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.

#### Documents:

- Program Statement #P3420.11, Standards of Employee Conduct, 12-6-13
- Program Statement #P5270.09, Inmate Discipline Program, 7-8-11
- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP Inmate Notice Zero Tolerance, English
- BOP Inmate Notice Zero Tolerance, Spanish
- Reentry Service Division, Assistant Director's Office
- BOP Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders, English, July 2018
- BOP Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders, Spanish, July 2018
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- Agency Head
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Intermediate or Higher-Level Facility Staff
- Random Staff

#### Site Review Observations:

- The Federal Bureau of Prisons (BOP) PREA Coordinator oversees all BOP institutions, to include the United States Penitentiary (USP) Marion, Illinois.
- The BOP has further created several Central Office Management Analysts positions who work under the BOP PREA Coordinator to oversee collective groups of federal institutions based on regional locations throughout the agency.
- The USP Marion (MAR) PREA Compliance Manager is physically assigned to the USP Marion and maintains a permanent office, with routine activities, within said institution as a function of that facility assignment.

#### Standard Subsections:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15; and Institution Supplement MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20, provides written direction mandating a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. They each outline both the agency's, and the facility's, approach to preventing, detecting, and responding to such conduct.
- The BOP has employed an agency wide PREA Coordinator. This position, National PREA Coordinator, is within the upper hierarchy of organizational authority within the BOP. A significant function of the National PREA Coordinator's responsibility is to provide guidance and manage the six Central Office Management Analysts assigned to the BOP. The Central Office Management Analysts, in turn, are responsible for managing the institutional PREA

Compliance Managers assigned to agency facilities. As a collective effort, these persons help facilitate institutional needs specific to the implementation and advancement of the PREA standards. As such, the National PREA Coordinator, in coordination with the six Central Office Management Analysts, facility wardens, and facility based PREA Compliance Managers, oversee the implementation of PREA standards throughout the agency.

- The BOP operates 122 penal institutions. Each warden within these institutions has been charged with designating a PREA point person, who holds the supervisory rank of PREA Compliance Manager. The USP Marion Warden affirms his designation of the USP Marion PREA Compliance Manager to serve in this capacity. The USP Marion PREA Compliance Manager further confirms both sufficient time and authority to coordinate the facility's efforts in complying with the PREA standards.

#### Reasoning & Findings Statement:

This standard works to ensure the agency as a whole operates with a zero-tolerance acceptance level of sexual abuse and sexual harassment of inmates. Additionally, the standard requires that individual facilities operate with respect to the agency's zero-tolerance expectation. In this regard, the agency has implemented policies designed to prevent, detect, and respond to sexual abuse and sexual harassment. Though the standard requires the minimum staffing of one agency wide PREA Coordinator and then individual PREA Compliance Managers assigned to each facility, the BOP has exceeded this requirement through the additional employment of six Central Office Management Analysts. The sole function of the Central Office Management Analyst position is to better coordinate and advance the implementation of the PREA standards and policies so as to significantly increase the sexual safety of all inmates incarcerated within the BOP. As such, the agency, and by extension the facility, has clearly exceeded the basic requirements of this standard.

## 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.)  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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

### Interviews:

- Agency Contract Administrator
- Agency PREA Coordinator

### Site Review Observations:

- The USP Marion is a publicly operated correctional facility through the Federal BOP.

### Standard Subsections:

- The BOP contracts for the confinement of its inmates with multiple private agencies. The current contracts governing these relationships contain explicit language directing said agencies to adopt and comply with the Prison Rape Elimination Act, National Standards to Prevent, Detect, and Respond to Prison Rape (28 C.F.R. Part 115).
- These contracts also contain language requiring that the BOP monitors PREA compliance of all contracted facilities, as well as provide relevant training on their responsibilities under BOP's policy on prevention, detection, and response to sexual abuse and sexual harassment. As evidenced by the publicly posted PREA Audit Report documents for all BOP facilities, both prisons and Residential Reentry Centers, either privately or publicly owned, are routinely audited for their compliance with the PREA standards.

### Reasoning & Findings Statement:

This standard ensures that all private entities contractually bound to the parent agency; namely, the federal BOP, comply with the PREA standards. In this, prior to engaging any contractual relationship

with a private agency, the BOP ensures that all private agencies understand that it's the private agencies' absolute responsibility to comply with PREA regulations. Furthermore, once contracted with the BOP, private agencies understand their continuing duty to remain in compliance with PREA standards. To assist in their compliance with BOP regulations, to include PREA policies, all privately operated facilities are assigned a BOP liaison. Lastly, private facilities are routinely audited on a rotating basis to encourage said compliance. Hence, the agency meets the established requirements under this standard.

## Standard 115.13: Supervision and monitoring

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

#### 115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?  Yes  No  NA
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?  Yes  No
- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?  Yes  No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?  Yes  No

#### 115.13 (b)

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

#### 115.13 (c)

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

#### 115.13 (d)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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



#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P3000.03, Human Resource Management Manual, 12-19-07
- Program Statement #P5216.06, Juvenile Delinquents, 4-26-19
- BOP Inmate Notice Zero Tolerance, English
- BOP Inmate Notice Zero Tolerance, Spanish
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Annual Assurance Statement FY 2021, 9-27-21
- MAR Staffing Report (10-10-21 to 10-23-21)
- MAR HR Staffing & Strength Report, 10-20-21
- MAR Quarterly Salary Workforce Minutes: 10-8-20, 2-18-21, 5-19-21, 8-5-21
- MAR Unannounced Institutional Rounds Roster, 2-18-20, 3-17-20, 3-24-20, 3-31-20, 6-2-20, 6-30-20, 8-18-20, 1-25-22a, 1-25-22b, 1-25-22c

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Intermediate or Higher-Level Facility Staff
- Random Staff

#### Site Review Observations:

- All inmate housing areas contain at least one custody post that is continuously monitored by staff. All areas of high inmate traffic are assigned staffing positions while in operation.
- During the site review, supervisory staff were observed making routine and frequent rounds throughout the facility. All random staff interviewed did indicate that supervisory staff were available to them as needed and did routinely conduct unannounced rounds within the facility.
- During supervisory rounds, ranking officials were observed reviewing required documentation completed by line staff as a function of their duty posts.
- During the onsite portion of the audit, 3 additional USP Marion IDO Unannounced Institutional Rounds (Chronological Housing/Building Logs) were inspected to ensure supervisory staff were conducting, and properly documenting, their unannounced rounds. Supervisory signatures were observed in red or blue ink.
- IDO Unannounced Institutional Rounds were also reviewed to ensure that opposite gender announcements on all three facility shifts, where appropriate, were being made and properly documented.

#### Standard Subsections:

- The USP Marion has developed and documented a staffing plan. Facility administrators are required to make their best efforts in complying with said plan on a regular basis in order to provide for adequate levels of staffing, and, where applicable, video monitoring to protect inmates against abuse (#P5324.12). The MAR reviews the facility's staffing plan on a quarterly basis. As noted within the Quarterly Salary Workforce Minutes, the staffing plan takes into consideration generally accepted correctional practices when determining staffing needs and the need for video monitoring. If present, the staffing plan considers any judicial, federal investigative agencies,

internal, and external oversight bodies' findings of inadequacy. Per the MAR Facility Warden, the quarterly staffing plan review requires that the facility considers components of the facility's physical plant, composition of the inmate population, number and placement of supervisory staff, institutional programming needs, applicable state and local laws, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, as well as any other relevant factors when determining staffing needs and the need for video monitoring. When asked, random staff consistently remarked that facility administration does consider the nature of the inmate population and current issues/trends within the inmate population when determining staffing levels. As noted by the USP Marion PREA Compliance Manager, the facility staffing plan was predicated consistent with average daily number of inmates assigned to the USP Marion.

- BOP policy governs the minimum use of employee staffing (#P5324.12). If facility staffing levels fall below these minimum requirements, BOP policy further requires that facility staff properly document each occurrence. Within the past twelve months, the staffing levels of USP Marion have not fallen below the required levels.
- The facility conducts quarterly reviews of its staffing plan, with the last review being finalized as of October 23, 2021. As evidenced via interviews with agency and facility staff, in completing the USP Marion staffing plan review, the facility did coordinate with the Central Office Management Analyst, as well as the USP Marion PREA Compliance Manager, to develop the facility staffing plan in accordance to the aforementioned 115.13(a). PREA staffing members were consulted regarding the use of resources necessary to commit to the staffing plan, as well as the use of video monitoring technologies within the facility.
- The agency does have a policy in place to mandate unannounced rounds conducted by intermediate-level or higher-level supervisors (#P5324.12). This policy does require that staff document those rounds. The policy requires unannounced rounds to be made on all shifts, both day and night hours. The agency also prohibits staff from alerting others that said rounds are being conducted. The timing of the site review allowed the auditor to observe the facility while employees from all three shifts were on duty. The auditor did observe line and supervisory staff document said rounds as appropriate. Said documentation did reflect that not only were supervisory staff conducting unannounced rounds, but these rounds were also clearly documented using red or blue ink. When interviewed, supervisory staff stated that they performed unannounced rounds at various times, as well as walked varying paces and routes when conducting unannounced rounds in an attempt to make their presence less predictable. When interviewing random staff, all persons stated that supervisors routinely conduct unannounced rounds. Staff also noted that it was a violation of policy for supervisors to announce their rounds or for other staff to call ahead and warn their co-workers that a supervisor was conducting security rounds. When interviewing random inmates, most offenders stated that they have routinely witnessed supervisory staff conducting rounds throughout the facility. During the site review, it was further noted that inmates seemed comfortable with the presence of supervisory staff within their housing areas. As well, during the site review, inmates were observed approaching supervisory staff and speaking with ease; thus, further supporting that said staff are routinely present in inmate housing and facility areas.

#### Reasoning & Findings Statement:

This standard requires the facility to ensure adequate staffing levels that promote the safety of not only all inmates assigned to the facility, but also to ensure the safety of all institutional staff, volunteers, and contractors within the institution. During the past 12 months, the USP Marion did not deviate from its staffing plan. To ensure that the sexual safety of inmates assigned to the USP Marion is given sufficient

weight in determining facility staffing needs, the USP Marion staffing plan is reviewed on a quarterly basis in coordination with all USP Marion PREA staffing components. Lastly, to ensure meaningful and effective correctional supervision, USP Marion supervisors routinely conduct and document unannounced rounds. The auditor observed, as well as the facility provided, ample evidence of documented unannounced rounds of supervisory ranks of various levels, up to and including, the facility warden. As such, the USP Marion facility has exceeded in demonstrating its compliance with this provision.

## 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P5216.06, Juvenile Delinquents, 4-26-19
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Random Staff
- Random/Targeted Offenders

### Site Review Observations:

- While conducting the onsite review, the auditor did not observe any inmates who appeared excessively youthful.
- In reviewing inmate documents, the auditor did not observe any inmate birthdays to be less than 18 years younger than the date of the onsite review.
- All inmates interviewed stated that they were at least 18 years of age and did not have any knowledge of any inmates assigned to the USP Marion who were not at least 18 years of age.

### Standard Subsections:

- The BOP policy (#P5216.06) prohibits the placement of any inmate less than 18 years of age in an adult jail or correctional institution.
- As USP Marion does not house any inmates less than the age of 18 years, the facility has most certainly maintained absolute sight and sound separation between youthful offenders and adult inmates.

- As USP Marion does not house any offender less than 18 years of age, its facility administration has absolutely avoided placing any adolescent offender in isolation in order prevent said offender from living within sight and sound of adult offenders. Hence, the USP Marion has not denied any adolescent offender the ability to engage in daily large-muscle exercise or to participate in other program or work opportunities.

Reasoning & Findings Statement:

This standard requires that the agency ensures sight and sound separation between youthful offenders and adult inmates. Alternatively, the standard requires that there is direct staff supervision when youthful offenders and adult inmates have the possibility of sight, sound, or physical contact. The BOP prohibits the assignment of youthful offenders to adult housing units. Hence, as USP Marion contains only adult housing units, USP Marion is prohibited from receiving, and subsequently housing, youthful offenders. As such, the facility has exceeded in maintaining an absolute and constant sight, sound, and physical barrier between youthful offenders and incarcerated adults.

## 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, except in exigent circumstances? (N/A if the facility does not have female inmates.)  
 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 if the facility does not have female inmates.)  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? (N/A if the facility does not have female inmates.)  Yes    No    NA

#### 115.15 (d)

- Does the facility have policies 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 have procedures 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15

- Program Statement, #P5521.06, Searches of Housing Units, Inmates, and Inmate Work Areas, 6-4-15
- BOP Transgender Offenders, Annual Refresher Training
- BOP Inmate Pat Searches (Male, Female, Transgender) Training PowerPoint
- BOP Escort Procedures Annual Training FY2021 Instructor Guide
- BOP Escort Procedures Annual Training 2021 PowerPoint
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memo No Opposite Gender/Non-Medical Staff Viewing, 9-22-21
- MAR Annual Training Schedule FY2021, 10-20-21
- MAR FY 2021 Annual Training Agenda Online – Back to Basics
- MAR Search and Restraint Procedures for Special Populations, 10-20-21
- MAR Inmate Pat Search, 10-20-21

#### Interviews:

- PREA Compliance Manager
- Facility Warden
- Intermediate or Higher-Level Facility Staff
- Random Staff
- Offenders Who Identify as Lesbian, Gay, Bisexual, Transgender, or Intersex
- Random Offenders

#### Site Review Observations:

- During the site review, staff were routinely observed making announcements when persons of the opposite gender entered offender housing areas.
- Supervisory staff were observed conducting their routine security checks within inmate housing areas. Announcements and supervisory rounds, both unannounced rounds and scheduled rounds, were subsequently documented on the Institution Duty Officer (IDO) Unannounced Institutional Rounds where appropriate.
- USP Marion documentation reflects that during the past twelve months, the facility has not had any cross-gender visual or body cavity searches of inmates.
- Privacy shields were in place inhibiting views of all inmate toilets.
- Privacy screens were noted in all shower areas.
- Privacy shields were in place and/or available in all medical examination rooms.
- Video footage did not reveal that any cameras were trained on inmate restrooms, showers, or other areas where inmates might be in a state of undress.

#### Standard Subsections:

- BOP Policy (#P5324.12) prohibits cross-gender strip or visual body cavity search of inmates except in exigent circumstances or by medical practitioners. Random staff interviews confirm that staff do not engage in such activities. Furthermore, all inmates interviewed noted that they had not, nor had they witnessed any other inmate, being stripped or body cavity searched by a custody staff member of the opposite gender.

- BOP Policy (#P5324.12) mandates that staff refrain from conducting cross-gender pat-down searches of female inmates, unless in exigent circumstances. As there aren't any biological females incarcerated within the facility, the facility has never denied any female inmate access to a regularly available program or out of cell activity to prevent a cross-gender pat down search.
- Agency policy (#P5324.12) requires that all cross-gender strip and visual body cavity searches are documented. The facility has not engaged in any cross-gender strip searches or cross-gender body cavity searches of its prisoners within the audit period. However, under exigent circumstances, should the need arise, staff interviewed understood that such action, while extremely unlikely, would require extensive justification.
- The USP Marion does have a policy (#P5324.12, #MAR-5324.12B) in place that allows inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing inmate buttocks, genitalia, or breasts except in exigent circumstances or when such viewing is incidental to routine cell checks. The facility does follow policy (#P5324.12, #MAR-5324.12B) requiring that staff of the opposite gender announce their presence when entering an inmate housing unit. In speaking with agency staff, all staff members were aware of the agency's prohibition against cross-gender strip and visual body cavity searches. Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15, requires all persons of the opposite gender to announce their presence upon entering an opposite gender housing assignment. All staff interviewed did confirm their adherence to said policy. Additionally, most inmates interviewed confirmed this statement. During the facility site review, modesty barriers and curtains were in place to inhibit the viewing of any inmate in a state of undress. As well, inspected video footage did not capture, nor was it trained to capture, inmates in a state of undress during routine activities, to include strip searches.
- BOP Policy (#P5324.12) prohibits searching transgender or intersex inmates for the sole purpose of determining the inmates' genital status. In interviewing staff, it was clearly expressed that if the gender of an inmate is unknown, conducting a strip search to determine the gender of the inmate would be inappropriate. It was generally expressed that to determine gender, staff would contact the medical department, their supervisor, or simply ask the inmate.
- Records reflect that 100% of USP Marion custody staff have been trained on proper procedure specific to conducting cross-gender inmate pat searches and transgender pat searches in a professional and least intrusive manner as possible consistent with security needs. All random staff interviewed did affirm their understanding of agency policy prohibiting the search of any transgender or intersex inmate for the sole purpose of determining the inmate's genital status. BOP Policy (#P5324.12) specifies that transgender "inmates will be pat-searched in accordance with the gender of the institution, or housing assignment, in which they are assigned. Transgender inmates may request an exception." Policy (#P5324.12) provides clear instructions on how staff will perform searches of any inmate, to include transgender inmates. Random custody staff interviewed confirmed their understanding of how to conduct a proper search of transgender/intersex inmates assigned to the USP Marion. As well, facility training rosters reflect that all correctional staff assigned to the USP Marion have been trained on how to conduct searches in a professional and least intrusive manner as possible. During interviews with transgender inmates, said inmates confirmed that their use of a transgender search exception card would subsequently require a search by female staff.



## Reasoning & Findings Statement:

This standard requires that the agency place limits on cross-gender strip or cavity searches. The BOP has enacted policies prohibiting said searches in the absence of exigent circumstances. In the event exigent circumstances require cross-gender strip or cavity searches, policy subsequently requires this search to be properly documented. Neither documentation nor staff/inmate interviews reflect that any inmates have been subject to cross-gender strip or cavity searches within the auditing time frame. Agency custody staff are trained on the proper procedures to conduct pat searches on transgender or intersex inmates, which requires said searches to be performed in a professional and least intrusive manner as possible. As well, transgender inmates may seek an exception to being searched by a specific staff gender. The agency requires opposite gender staff to announce their presence upon entering inmate housing areas where persons may be in a state of undress. As such, the USP Marion facility meets all provisions within this standard.

### **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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP Memorandum, Telephonic Language Translations, 9-27-21
- BOP Memorandum, Telephonic Language Translations, 9-29-20
- BOP Memorandum, Telephonic Language Translations, 10-23-19
- BOP Sexually Abusive Behavior Prevention and Intervention
- BOP Sexually Transmitted Diseases
- BOP Inmate Notice Zero Tolerance, English
- BOP Inmate Notice Zero Tolerance, Spanish
- BOP Annual Refresher Lesson Plan for Sexually Abusive Behavior Prevention and Intervention Program, FY2021
- LanguageLine Services Blanket Purchase Agreement, 10-7-14, 9-29-20
- LanguageLine Solutions, Language Identification Card, 2013
- LanguageLine Services Important Instructions
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Admission & Orientation Handbook, 2-25-21
- MAR Annual Refresher Lesson Plan for Sexually Abusive Behavior Prevention and Intervention Program, Daily Evaluation, FY2020

#### Interviews:

- Agency Head
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Intermediate or Higher-Level Facility Staff
- Random Staff
- Offenders with Disabilities
- Offenders with Limited English Proficiency

#### Site Review Observations:

- Correctional staff assigned to housing areas entered each dayroom area within the building to loudly announce inmate information, to include when opposite gender staff entered the housing area.
- PREA Notices, as well as other advisement notices, were posted in languages spoken by significant portions of the offender population; namely, English and Spanish.
- PREA information is provided verbally during the inmate admission process, as well as provided verbally via an instructional film viewed during the inmate orientation process.
- LanguageLine Solutions are available for staff to communicate with offenders who do not speak English.
- Staff translators are also available if needed.
- Other communicative devices, namely, erasable white boards, are provided for inmates who can not speak.

## Standard Subsections:

- BOP policy (#P5324.12) requires that institutions enhance communication efforts with disabled inmates, such as those with hearing, vision, speech, or other physical disabilities; psychiatric or other intellectual disabilities, or those with limited English proficiency; so as to provide said inmates with 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. PREA educational information is provided in writing, verbally, as well as presented in video format (available in English and Spanish). The BOP maintains a mandatory for use contract for telephonic translation and interpretation services to assist inmates who do not speak a language common to USP Marion staff. The facility offers video-based interpretation for American Sign Language assistance. In this, the LanguageLine Solutions services can be used to translate PREA, as well other confidential information. Also, for an inmate who cannot speak, the facility has provided an erasable white board to help facilitate communication between this inmate and others.

When interviewing staff, it was noted that employees were aware of the need to obtain staff interpreters for sensitive security matters, such as PREA related investigations. Staff were aware that other inmates could not be used to translate for any inmate during a sexual abuse/harassment investigation or incident. During the inmate interview process, when speaking with a LEP inmate, this inmate noted that his inability to speak English proficiently had not prevented him from participating in any facility-based services, to include the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Additionally, inmates with physical and/or intellectual disabilities were interviewed. These inmates also stated that their disabilities did not prevent them from participating in any facility-based services and/or that USP Marion has made accommodations for their disabilities, to include ensuring their access to the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

- The PREA informational brochure is printed in two different languages: English and Spanish. As needed, LanguageLine Solutions services can also be used to translate PREA information into other languages.
- The BOP has developed agency-wide policies that prohibit the use of inmate interpreters or other types of offender-based assistance in the transmission or subsequent investigation of security sensitive information, such as PREA related matters (#P5324.12). The agency has also developed agency-wide policies to enhance communication efforts with disabled offenders; such as those with hearing, vision, speech, or other physical disabilities; psychiatric or other intellectual disabilities, or those with limited English proficiency (#P5324.12); so as to provide these offenders with an equal opportunity to directly participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment without the use of inmate interpreters or other types of offender-based assistance. USP Marion staff are aware of these agency policies and do not utilize inmate interpreters for security sensitive matters.

## Reasoning & Findings Statement:

This standard seeks to empower all inmates with the right to be free from sexual abuse and sexual harassment. An essential component to that requirement is the ability to directly access PREA information, services, and support services. Inmates with disabilities; either cognitive, physical, or cultural, may require additional assistance in achieving that access. Hence, it is necessary for the agency to provide additional measures to ensure these inmates have equal access. The BOP recognizes this need and has created policies to address it. The USP Marion maintains sufficient stocks of PREA

informational brochures in both English and Spanish. Additionally, the USP Marion routinely shows PREA informational videos in Spanish, the most commonly spoken language inside of USP Marion other than English. Lastly, it should be noted that at no time during the past 12 months, has USP Marion used inmate interpreters to help agency staff communicate with another inmate regarding security sensitive information. As such, USP Marion has met all of the provisions of this standard.

## 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 who may have contact with inmates?  Yes  No
- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P3420.11, Standards of Employee Conduct, 12-6-13
- Program Statement #P3000.03, Human Resource Management Manual, 12-19-07
- BOP A Blend of Good Talents and a Commitment for Diversity: General Information Resource Guide
- BOP General Employment Considerations for Staff
- BOP Questionnaire for Public Trust Positions, 1995
- BOP National Background Investigations Bureau, Fingerprint Submissions
- BOP PREA-Reference Check Background Materials, 28 C.F.R., Section 115.17(h)
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

### Interviews:

- Administrative (Human Resources) Staff
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden

### Site Review Observations:

- Review of employee files

### Standard Subsections:

- The BOP has developed agency-wide policies (#P3420.11, P3000.03, #P5324.12) that prohibit the hiring or promotion of employees and contracted workers who have engaged in sexual abuse, been convicted of engaging or attempting to engage in a sexual activity with inmates, or have been civilly or administratively adjudicated to have engaged in a sexual activity with offenders while in a prison, jail, lockup, community confinement facility, juvenile facility, or other institutional setting. The agency also has policies that stipulate prior to all hiring and promotional decisions of employees and contract workers, any incidents of sexual harassment will be considered. Prior to hiring any new employee or contract worker at the facility level, USP Marion Human Resource staff ensure that criminal background checks have been conducted on the prospective employee via the National Crime Information Center. As well, as required by policy, USP Marion Human Resource staff ensure that all previous institutions of employment are contacted in order to determine if candidates have any previously substantiated claims of sexual abuse or resigned during a pending investigation of such claims. Policy (#P5324.12) also requires that the USP Marion cooperates with other correctional and law enforcement agencies to ensure that accurate information regarding PREA related employment laws are effectively shared between agencies.

- BOP policy (#P5324.12) requires the facility to consider any incidents of sexual harassment in determining whether to hire/promote anyone who may have contact with inmates. Likewise, in speaking with the USP Marion Human Resource representative, agency policy (#P3000.03) requires Human Resource staff to also verify contractor employment history.
- Before hiring or promoting employees, policy (#P3000.03, #P5324.12) requires the agency to perform criminal background checks. This is done via the Electronic Questionnaires for Investigations Processing system, which is overseen by the Office of Personnel Management and facilitated by the Security and Background Investigations Section. Policy (#P3000.03) also requires the agency to conduct checks with prior employers for any applicant previously employed by a correctional facility. During the audit time frame, the USP Marion has hired 27 people who may have contact with inmates who have had a criminal background record check.
- Agency policy requires that prior to enlisting the services of any contractor who may have contact with offenders, the agency performs a criminal background record check on said contractor. In speaking with the USP Marion Human Resource representative, it was noted that all persons contracted with the USP Marion received an initial background check, as well as, where applicable, required subsequent checks within the required time frames. During the audit time frame, the USP Marion has not contracted with any people who may subsequently have contact with inmates. As such, there has not been a need to conduct any such criminal background record checks.
- Once employed, agency policy (#P3000.03, #P5324.12) requires that criminal background checks are conducted every five years to ensure that said persons have not been found to have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. As well, employees have an affirmative duty to report any contact they may have had with other law enforcement agencies and to report any sexual misconduct they may have been found guilty of at any other institution (#P3000.03). Furthermore, employees are made aware that failing to provide this information, or providing false information regarding sexual misconduct, is grounds for employee discipline, to include termination of employment (#P3000.03).
- All applicants, as well as current employees, are required to submit a Questionnaire for Public Trust Positions form (#P5324.12). This document directly asks employees who may have contact with inmates to disclose any previous sexual misconduct that may have occurred in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (#P3000.03). Additionally, the BOP does impose a continuing affirmative duty on all employees to disclose any misconduct found within Section A of this standard (#P5324.12).
- Agency policy expressly advises employees that material omissions or providing false information regarding the aforementioned misconduct is grounds for termination.
- Agency policy allows that unless prohibited by law, the BOP shall 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 (#P5324.12).



## Reasoning & Findings Statement:

This standard requires the agency to consider the sexual safety of inmates in all hiring and promotion decisions within the agency. The agency has numerous policies in place to ensure that end. To maintain compliance with the standard, the USP Marion Human Resource Department utilizes a reference chart for each employee that clearly demonstrates when and why such criminal background checks are completed. Review of employee and contractor training files reflect that the USP Marion Human Resource Department is in compliance with agency policy. As such, the USP Marion has met the requirements of this standard.

## 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15

- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- Agency Head
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Random Staff

#### Site Review Observations:

- Observed video monitoring technologies present within the facility.
- Observed footage from video monitoring technologies.

#### Standard Subsections:

- Per the USP Marion Warden, the USP Marion has not designed or acquired any new facility or planned any substantial expansion or modification of existing facilities within the previous 12 months. However, when substantial changes are made, the agency does consider the effect that the design, acquisition, expansion, or modification that the preexisting condition has upon the agency's ability to protect inmates from sexual abuse.
- The USP Marion has not installed or significantly updated the video monitoring system or other monitoring technology since the last PREA audit. Per the USP Marion Warden, when adding addition video monitoring technology, the facility does consider and focus the placement of monitoring technology in areas where inmates are housed, work, and program in order to enhance inmate protection from sexual abuse. As well, in adding video monitoring technology, the facility does consider inmates' right to privacy when showering, changing clothes, or otherwise being in an expected state of undress.

#### Reasoning & Findings Statement:

Within the audit time frame, USP Marion has not designed or acquired any substantial expansion or modification of its existing facilities. Also, the USP Marion has not significantly updated its video monitoring system. As a function of its quarterly staffing review, the USP Marion does consider, among other factors, generally accepted correctional practices and the use of video monitoring technologies to help improve the overall safety of the facility, to include the sexual safety of inmates. During the onsite inspection, a review of available video monitoring was conducted. Currently, the USP Marion has cameras inside the facility that provide sufficient coverage throughout the institution to supplement and assist with in-person supervision and monitoring. In speaking with the USP Marion Warden, it was noted that with all staffing decisions, as well as decisions involving the use of video monitoring technology, the USP Marion Administration seeks to maximize the facility's ability to protect inmates from sexual abuse. Accordingly, the USP Marion has meet all of the provisions of this standard.

## RESPONSIVE PLANNING

### Standard 115.21: Evidence protocol and forensic medical examinations

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

#### 115.21 (a)

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

#### 115.21 (b)

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

#### 115.21 (c)

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

#### 115.21 (d)

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

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

#### 115.21 (e)

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

#### 115.21 (f)

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

#### 115.21 (g)

- Auditor is not required to audit this provision.

#### 115.21 (h)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

*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.*

Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15

- Program Statement #P6031.04, Patient Care, 6-3-14
- BOP One Source First Responder Reference Guide, 6-5-15
- Email regarding DOJ OIG Authority and AG Memo of Duty to Report Misconduct and Cooperate, 3-12-14
- Memorandum of Understanding, FBI and BOP on Violations of Federal Criminal Statutes, 11-21-96
- FBI's Domestic Investigations and Operations Guide (DIOG) Web Link
- DOJ/OIG PREA Training, Topics List, 1-14-14
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memo, New MOU Would Be Required, 9-22-21
- MAR Admission & Orientation Handbook, 2-25-21
- MAR Forensic Exams, 11-3-21
- MAR MOU with The Women's Center, 7-9-19
- MAR California Board of Psychology Degree, 6-10-16
- MAR California Board of Psychology License, 6-10-22
- MAR Alabama Board of Psychology Degree, 9-13-19
- MAR Illinois Clinical Psychologist Degree, 9-30-20a
- MAR Illinois Clinical Psychologist License, 9-30-20a
- MAR Illinois Clinical Psychologist Degree, 9-30-20b
- MAR Illinois Clinical Psychologist License, 9-30-20b
- MAR Florida Psychologist, 5-31-20
- MAR Forensic Medical Exams: An Overview for Victim Advocates, 10-20-21
- MAR Memo No Requests for Victim Advocate, 9-22-21
- MAR Memo Trained PREA Investigators, 9-22-21

#### Interviews:

- Medical Staff
- Mental Health Staff
- SAFE and/or SANE Staff
- Community-Based Victim Advocacy Staff
- Offenders Who Reported Sexual Abuse

#### Site Review Observations:

- Observed Medical Department and privacy screens/limitations
- 10 Onsite Investigative File Reviews

#### Standard Subsections:

- Agency policy (#P5324.12) mandates that the Federal Bureau of Investigation (FBI) is responsible for investigating criminal allegations of sexual abuse. In this, policy asks that the FBI follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative procedures and criminal prosecutions.
- As the USP Marion does not house youth, it is not necessary to utilize a developmentally appropriate youth protocol. BOP policy does, however, still require the agency to utilize the U.S. Department of Justice's Office on Violence Against Women protocol; namely, *A National Protocol for Sexual Assault Medical Forensic Examination, Adults/Adolescents* as the evidence

collection protocol manual (#P5324.12).

- In accordance with agency protocol, the USP Marion does ensure that all offenders are given access to forensic medical examinations without cost (#P5324.12). These exams are performed at an outside facility by qualified SAFE/SANE nursing staff. As SAFE/SANE staff are available 24 hours a day, seven days a week, the examination will always be performed by a qualified medical practitioner. The facility utilizes Good Samaritan Hospital to provide inmates with forensic exams. In the past 12 months, the USP Marion has not facilitated any such medical examinations.
- The agency does attempt to make a victim's advocate available for inmate support. In this, policy (#P5324.12) requires that upon notification of an allegation of abuse, the inmate will be provided with the opportunity to speak with a rape crisis advocate. In this, the facility has entered an agreement with The Women's Center to provide qualified rape crisis advocates. If, however, an advocate is not available from the local rape crisis center, then agency policy (#P5324.12) allows the facility to provide access to a qualified staff member who has been trained as a first responder. During the last 12 months, however, there weren't any inmates who requested such victim support services.
- In accordance to policy (#P5324.12), and as requested by the victim, the local rape crisis center advocate or qualified staff member may remain with the inmate through the forensic medical examination process and investigatory interviews. As requested, this person may provide emotional support, crisis intervention, information, and referrals.
- Agency policy (#P5324.12) mandates that the Office of the Inspector General (OIG) and/or the FBI is responsible for investigating criminal allegations of sexual abuse. Adherence to this policy was confirmed by the USP Marion Warden. USP Marion investigative procedures do ask that the OIG/FBI utilize the U.S. Department of Justice's Office on Violence Against Women protocol; namely, *A National Protocol for Sexual Assault Medical Forensic Examination, Adults/Adolescents* as the evidence collection protocol manual.
- The auditor is not required to audit this provision.
- Through a memorandum of understanding with the local rape crisis center, The Women's Center, the agency has ensured that all persons who have contact with USP Marion inmates have been appropriately screened and trained, as well as received education concerning sexual assault and forensic examination issues in general.

#### Reasoning & Findings Statement:

This standard concerns evidence protocol and forensic medical examinations. During the past 12 months, the USP Marion has not initiated the evidence protocol and forensic medical examination process. As demonstrated during the interview process, however, facility staff are very much aware of the policies and has practices in place should the need arise at some future point. Additionally, a MOU is in force between the USP Marion and The Women's Center to ensure that inmates are afforded access to a local victim's advocate. As such, the USP Marion has met the requirements of this standard.

## Standard 115.22: Policies to ensure referrals of allegations for investigations

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

### 115.22 (a)

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

### 115.22 (b)

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

### 115.22 (c)

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

### 115.22 (d)

- Auditor is not required to audit this provision.

### 115.22 (e)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P5508.02, Hostage Situations or Criminal Actions Requiring FBI Presence, 12-12-96
- Memorandum for Duty to Report Misconduct and Cooperate with Investigators, 4-12-02
- Email regarding DOJ OIG Authority and AG Memo of Duty to Report Misconduct and Cooperate, 3-12-14
- Memorandum of Understanding, FBI and BOP on Violations of Federal Criminal Statutes, 11-21-96
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- Agency Head
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Investigative Staff
- Medical Staff
- Mental Health Staff

#### Site Review Observations:

- Reviewed documentary files with facility staff.

#### Standard Subsections:

- Policy (#P5324.12, #P5508.02) requires that administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. Within the last 12 months, the USP Marion has received a total of 14 sexual abuse or sexual harassment allegations. Of those, two were criminal and 12 were administrative investigations. Of those completed and reviewed during the onsite audit portion, all reported allegations were properly investigated/referred.
- Per the USP Marion Warden, the USP Marion refers allegations of sexual abuse and sexual harassment to the FBI and OIG, external law enforcement agencies with legal authority to conduct criminal investigations. The BOP has published this policy (#P5324.12), as well as the criminal investigation process, on the agency website. All referrals to the FBI/OIG are documented by the agency.
- In accordance with, policy (#P5508.02), “Federal Bureau of Prisons (BOP) and Federal Bureau of Investigation (FBI) (have)... establish interagency operational policy guidelines...for the successful resolution of hostage situations or criminal actions which require FBI presence at BOP facilities.”



- The auditor is not required to audit this provision.
- The auditor is not required to audit this provision.

Reasoning & Findings Statement:

This standard ensures that proper referrals of allegations are made for further investigation. The BOP, and extension, the USP Marion, does have appropriate policies in place mandating referrals in specific instances. In interviewing USP Marion investigative staff, it is clear that USP Marion staff refer all required criminal investigations to either the FBI or OIG, which are separate entities under the Department of Justice, for further processing in accordance to policy. Additionally, USP Marion provided sufficient documentation to evidence the facility's adherence to agency protocol. As such, the USP Marion is found to comply in all material ways with this standard for the relevant review period.

## 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP Sexually Abusive Behavior Prevention & Intervention Program Annual Training 2021, Instructor Guide

- BOP Sexually Abusive Behavior Prevention & Intervention Program Annual Training 2021, PowerPoint
- BOP Appendix, Inmate Boundary Violations, Annual Training, 2021
- BOP Inmate (Males, Females, Transgender) Pat Search Training PowerPoint, 2-7-14
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Prison Rape Elimination Act Training Roster, 11-17-21
- MAR PREA Training Acknowledgement
- MAR PREA Training Acknowledgement, 1-21-21, 1-25-21
- MAR FY21 PREA Training Acknowledgement
- MAR PREA Class Schedule, 2021

#### Interviews:

- PREA Compliance Manager
- Facility Warden
- Administrative (Human Resources) Staff
- Medical Staff
- Mental Health Staff
- Random Staff
- Contractors Who May Have Contact with Offenders

#### Site Review Observations:

- The auditor was provided with a PREA training list of all USP Marion staff, to include newly hired staff. During staff interviews, all persons were asked if, and when, they had received their required PREA training. Random responses were subsequently matched against the USP Marion PREA Training Completion Report to ensure the validity of said report and/or staff responses.

#### Standard Subsections:

- Policy (#P5324.12) requires all employees to be fully trained on the agency's zero-tolerance policy for sexual abuse and sexual harassment. As verified by Human Resource staff, such training is initially performed as a function of the hiring process. This Sexually Abusive Behavior Prevention & Intervention training is a comprehensive discussion of PREA standards. A review of training curriculum for this class reflects the agency's zero-tolerance policy for sexual abuse and sexual harassment, and discussion on how employees may fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. Employees are also informed that inmates have a right to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting said abuse and harassment, the dynamics of sexual abuse/harassment, reactions to sexual abuse/harassment, how to detect and respond to signs of threatened and actual sexual abuse, how to avoid inappropriate relationships with offenders, how to comply with relevant mandatory reporting laws specific to reporting abuse to outside authorities, and how to communicate effectively and professionally with inmates; including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates. In speaking with USP Marion staff, all employees were aware of these inmate rights.
- Training curriculum reviews demonstrate that the appropriate gender training is provided to USP Marion staff. As well, agency policy (#P5324.12) requires that "the employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to

a facility that houses only female inmates, or vice versa.” In speaking with USP Marion Training Staff, appropriate gender training was verified.

- A review of USP Marion PREA Training Completion Report reflects that all 286 actively employed staff have received their initial PREA training, as well as continued training as appropriate based on agency policy (#P5324.12). Following this initial training, subsequent refresher training is provided to staff at mandatory time intervals; specifically, their annual In-Service Training, as well as during electronic quarterly training. A review of the USP Marion PREA Training Completion Report reflects continuing training schedules have all been maintained. As well, staff interviews affirm their regular receipt of PREA training.
- All training is either uniquely signed or electronically verified and documented upon completion of the BOP PREA training curriculum.

#### Reasoning & Findings Statement:

This standard relates to employee training. The agency has clearly established training expectations and well-developed training curricula. USP Marion maintains compliance with those imperatives. All training is either uniquely signed or electronically documented upon completion, with USP Marion maintaining an overall master list of all staff having completed said training. During staff interviews, all employees affirmed their having received significant amounts of training as related to the PREA standards. When asked the series of questions noted within Subsection A of this standard, all staff knew and understood their responsibilities within the agency’s zero-tolerance policy. As such, USP Marion has clearly met the requirements of this provision.

## 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Volunteer Training Affirmation, November 2016
- Volunteer Training Instructor Guide, FY 2020
- BOP Memo National Waiver to Reentry Services Division Policies, 4-16-20
- BOP PREA Training for Volunteers PowerPoint, 7-22-21
- Level I Volunteer Application/Training, November 2016
- PREA Training for Level I Volunteers
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Volunteer Training Agenda, 8-30-21a, 8-30-21b,
- MAR Volunteer Training Roster

### Interviews:

- PREA Compliance Manager
- Facility Warden
- Administrative (Human Resources) Staff
- Medical Staff
- Mental Health Staff
- Contractors Who May Have Contact with Offenders

### Site Review Observations:

- Review of volunteer and contractor worker standard of conduct training forms.

### Standard Subsections:

- Policy (#P5324.12) requires that "The agency shall ensure 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. 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, but all volunteers and contractors who have contact with inmates shall be notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.” At the time of the audit, the USP Marion had 14 contract workers who could have contact with offenders. Interviews with contract workers verified that training had occurred prior to the initial start of their employment. As facility documentation indicates, and affirmed by the USP Marion PREA Compliance Manager, 100% of those contract workers have received appropriate PREA training dependent on their level of contact with offenders within the facility.

- Due to COVID, there weren’t any volunteers in the facility during the onsite inspection. As such, interviews could not be conducted. However, facility rosters indicate that there are 27 volunteers authorized admittance onto the facility. A review of training documentation reflects current training has been conducted with all 27 volunteers.
- Volunteers and contractors are required to receive PREA training prior to their being able to work/volunteer within the facility. After receipt of training, contractors and volunteers sign an acknowledgment form indicating the date and that they understood the training that they had received. The USP Marion then maintains a copy of all training files and rosters belonging to both volunteers and contractors. When interviewed, contractors confirmed that they had received PREA training prior to being allowed to work in the facility.

#### Reasoning & Findings Statement:

The agency requires all volunteers and contractors to receive formal training on the agency’s zero-tolerance policy for sexual abuse and sexual harassment. In this, volunteers and contractors must be provided sufficient notice of the agency’s zero-tolerance policy of sexual abuse and sexual harassment. As well, said persons must be informed of how to report any knowledge they may have regarding such abuse. Lastly, the standard requires that the agency maintain appropriate training records to verify that volunteers and contractors understood the training that they had received. As with employee training, the USP Marion has ensured both volunteers and contractors conducting business in the facility have received and subsequently documented their PREA training. In speaking with facility contractors, it was clear that they understood the professional boundaries between themselves and the inmates assigned to the institution. While COVID prevented any volunteers from being in the facility during the onsite inspection, documentation reflects that all volunteers had current training documentation on file with the facility. As such, USP Marion has met the requirements of this standard.

## 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 the comprehensive education referenced in 115.33(b)?  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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P5290.14, Admission and Orientation Program, 4-3-03
- Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders, 2018, English
- Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders, 2018, Spanish
- BOP Sexually Transmitted Diseases, English
- BOP Sexually Transmitted Diseases, Spanish
- BOP Memorandum for all Bureau Inmates, Suicide Prevention, 7-20-12, English
- BOP Memorandum for all Bureau Inmates, Suicide Prevention, 7-20-12, Spanish
- Sexually Abusive Behavior Prevention and Intervention Program, Admission and Orientation Lesson Plan, 12-7-20
- Sexually Abusive Behavior Prevention and Intervention Program, Annual Employee Training, 2021
- BOP Inmate Notice Zero Tolerance, English
- BOP Inmate Notice Zero Tolerance, Spanish
- BOP Inmate Information Handbook, English
- BOP Inmate Information Handbook, Spanish
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Admission & Orientation Handbook, English, 2-25-21
- MAR Admission & Orientation Handbook, Spanish, 2-7-20
- MAR Dentist Clinic, Spanish
- MAR Institution Admission and Orientation Program Checklist, 2-5-21, 2-12-21, 2-23-21, 3-12-20, 4-9-21, 6-15-21, 7-1-21, 7-7-21, 7-16-21, 8-6-21, 8-27-21, 9-8-21

### Interviews:

- PREA Compliance Manager
- Intake Staff
- Staff Who Perform Screening for Risk of Victimization and Abusiveness



- Random Offenders

#### Site Review Observations:

- Observed the inmate reception area.
- Engaged in a mock PREA Risk Screening Process.
- Observed PREA informational postings in Offender Housing, Education, Library, Law Library, Visitation, and other areas of high traffic.
- Observed a variety of PREA related materials and information available for inmate use within the Library, Law Library, and computer access areas.
- Observed Inmate PREA training video.

#### Standard Subsections:

- Policy (#P5324.12) requires that upon receipt into the facility, inmates shall receive information in their native language, when possible, explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment. Inmates will also be informed of reporting mechanisms to expose incidents or suspicions of sexual abuse and harassment. As confirmed by the PREA Compliance Manager, within the past 12 months, the USP Marion has received 826 inmates during the Intake process. Of those offenders, 100% were provided the initial PREA screening and information. During inmate interviews, most inmates confirmed that they had received initial PREA training. Documentation was reviewed to confirm training was provided for any inmate who stated that he had not received PREA training upon intake. Of the 43 inmates interviewed, inmate verification or facility documentation confirmed that all 43 inmates had received initial PREA training upon receipt into the facility.
- As noted by Intake staff, as well as observed during a mock demonstration of Intake processes, inmates are immediately provided a summary of the PREA standards upon their initial arrival to the facility. As advised by Unit Managers, inmates are subsequently provided a more comprehensive training detailing key points of the process within thirty days of Intake. In describing their inmate process, most inmates recalled receiving information in a two-part process, once at admission and again during facility orientation. Every inmate transferring into USP Marion, regardless of how long the inmate has been incarcerated within the BOP, will participate in facility orientation, including a comprehensive component on sexual abuse and sexual harassment prevention and response.
- Per policy (#P5324.12), as of one year from the PREA Standards effective date, all inmates who were incarcerated within the BOP were required to receive information on the agency's *Sexually Abusive Behavior Prevention and Intervention Program*. All offenders subsequently received into the BOP have been required to receive that same information during reception. Upon any transfer to another facility within the BOP, inmates are again required to receive PREA information. The BOP, despite having largely consistent policies across the system, requires that a facility orientation, including a comprehension PREA education, must be provided following each transfer. According to the agency's National PREA Coordinator, this ensures that each facility can reinforce its role in supporting the agency's zero tolerance policy toward all forms of sexual victimization. During orientation, each facility also provides local information, including identifying its PREA Compliance Manager.
- PREA information is provided in several alternative formats to ensure inmates with disabilities, to include those with limited English proficiency, have equal opportunity to receive, understand,

and utilize the PREA process as necessary to promote the sexual safety of all inmates assigned to the BOP, and more specifically, the USP Marion. According to the USP Warden, the USP Marion has numerous processes in place to assist disabled inmates, such as language services, sign language assistance, braille or other measures as deemed appropriate for an inmate's particular disability, to provide disabled inmates equal opportunity to participate in or benefit from all aspects of the program. For inmates who do not speak English, a contract is in place with LanguageLine Solutions to provide interpretation services. For inmates who cannot read or have limited reading skills, the information will be presented verbally. For inmates with intellectual and/or psychiatric disabilities, this information will be presented with the help of staff from Psychology if needed. For the hearing-impaired inmates, written material is available. PREA brochures and informational posters are routinely provided in both English and Spanish, the two most common languages spoken within the USP Marion. For an inmate who doesn't speak, a hand-carry white board has been issued to him for use. Both audio and written translation services are available for offenders who don't speak English or Spanish. In short, per policy (#P5324.12), and confirmed by the USP Warden, the agency will provide reasonable accommodations to all inmates in need of ADA accommodations, both physical and cognitive, so as to ensure all inmates have equal opportunity to benefit from the PREA provisions. Additionally, when interviewing inmates with disabilities, each believed that the facility had made a sincere effort to accommodate their needs.

- In accordance to policy (#P5324.12), and confirmed by Intake Staff, at Intake, inmates are provided with a PREA policy overview. Within 30 days of Intake, inmates are then provided with a more comprehensive facility orientation, to include PREA training. The information received is documented on the Institution Admission and Orientation Program Checklist, which is then acknowledged by signature by the inmate receiving training.
- Inmates are provided copies of the USP Marion Inmate Handbook (available in English and Spanish) upon receipt into the facility. This material, as well as a wealth of other PREA related information, is continuously available within the facility's Law Library. It is also continuously available via computer access portals, which are located on each inmate housing area. Throughout the facility, as well as posted near all inmate phones, PREA informational posters are displayed in both English and Spanish. There are also posters providing the names and contact information for national and local Rape Crisis Centers that provide reference information and recovery support services to inmates.

#### Reasoning & Findings Statement:

This standard works to ensure that inmates are cognizant of the agency's zero-tolerance policy toward sexual abuse and sexual harassment, as well as have subsequent access to, and can effectively utilize, the PREA reporting mechanism. In speaking with inmates assigned to the USP Marion, the overwhelming majority of inmates stated that they were aware of PREA and its purpose within the facility. While inmates were collectively aware of the policy and their rights to varying degrees, all inmates interviewed were specifically aware of at least one, but generally more, methods by which they could report allegations of sexual abuse or sexual harassment. Accordingly, the USP Marion has exceeded its compliance with the standards related to this provision.

## **Standard 115.34: Specialized training: Investigations**

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

### 115.34 (a)

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

### 115.34 (b)

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

### 115.34 (c)

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

### 115.34 (d)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

*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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- National PRC Specialized Training: Investigation Sexual Abuse in Correctional Settings, Instructor's Guide, 2013
- BOP Office of Internal Affairs: Conducting Interviews & Union Issues PowerPoint
- BOP Sexual Violence PREA PowerPoint
- SIS/SIA Training: Interviews and Union Issues, 2009
- SIS/PREA National Video Conference Training Agenda, 10-29-12
- BP-A0194, Warning and Assurance to Employee Required to Provide Information, June 2010
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR PREA Investigating Sexual Abuse in a Confinement Setting Training Roster, 10-20-21

### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Administrative (Human Resources) Staff
- Investigative Staff

### Site Review Observations:

- Reviewed investigative training certifications
- Reviewed agency training records documenting investigative training curriculum

### Standard Subsections:

- Per policy (#P5324.12), all investigators must receive specialized training in excess of the generalized sexual abuse and sexual harassment training provided to other staff. Among other classes, investigators participate in training which shall include, but not limited to, conducting investigations in confinement settings. In interviewing investigative staff, these staff confirmed participation in numerous related courses. Additionally, training curricula and employee training certifications reviewed onsite provided additional documentation to support facility compliance.
- Per policy (#P5324.12), all investigators must receive specialized training in excess of the generalized sexual abuse and sexual harassment training provided to other staff. Among other classes, investigators participate in training which shall include, but not limited to, interviewing techniques for sexual abuse victims, proper use of Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. In interviewing investigative staff, said staff confirmed participation in

numerous related courses. Additionally, training curricula and employee training certifications reviewed onsite provided additional documentation to support facility compliance.

- The agency maintains documentation that agency investigators have completed the required specialized training related to sexual abuse investigations. Specifically, Policy #P5324.12, requires that the “specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.” A review of facility training rosters confirms that such documentation is maintained within agency files for all investigators currently utilized within the USP Marion.
- The auditor is not required to audit this provision.

#### Reasoning & Findings Statement:

This standard works to ensure that persons investigating allegations of sexual abuse and sexual harassment have been sufficiently trained in related procedural and due process requirements necessary for both administrative prison hearings and for federal or state judiciary proceedings. The BOP investigative staff are required to attend both general PREA training, as well as PREA training specific to conducting investigations of sexual victimization in a confinement setting. USP Marion investigative staff affirmed receipt of sufficient training necessary to confidently conduct sexual abuse investigations in a confinement setting. Documentation verified that USP Marion investigative staff do receive specialized training in excess of the generalized training provided to all staff. As such, the USP Marion meets the requirements of this standard.

### Standard 115.35: Specialized training: Medical and mental health care

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

#### 115.35 (a)

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

suspicious of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

Yes  No  NA

#### 115.35 (b)

- If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)

Yes  No  NA

#### 115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

Yes  No  NA

#### 115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)

Yes  No  NA

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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- PREA & Psychology Services, Specialized Training for Medical and Psychologists, as well as Victim Advocate Forensic Medical Exam Overview of Training Videos, 7-29-21
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

- MAR PREA for Medical and Mental Health Care Training Completion Roster, 10-20-21
- MAR Initial PREA Training Acknowledgement Form, 10-7-20, 6-22-21, 6-22-21a, 8-16-21, 10-6-21

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Administrative (Human Resources) Staff
- Medical Staff
- Mental Health Staff

#### Site Review Observations:

- Review of facility training records

#### Standard Subsections:

- The USP Marion provides medical and mental health services to incarcerated persons assigned to its facility. Policy (#P5324.12) requires that in addition to the generalized training provided to all staff, “the agency shall ensure that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.” Interviews with Human Resource staff, USP Marion medical staff, as well as with USP mental health staff, all confirm that staff have received training as required. A review of agency training records documents staff participation in initial and/or continuing training requirements.
- In accordance with agency policy and verified through interviews with USP Marion medical/mental health staff, medical staff at USP Marion do not conduct forensic medical examinations. Rather, as confirmed by SAFE/SANE Hospital staff, inmates are transported to a nearby public medical facility, Good Samaritan Hospital, for all forensic exam services.
- A review of training records, as well as interviews with Medical and Mental Health Facility Program Supervisors, reflects that 100% of all current Medical and Mental Health employees assigned to the USP Marion have received specialized training appropriate for their professional roles.
- As well, in accordance to their professional role, a review of training records reflects those medical and mental health practitioners have also received the generalize PREA training provided to all other staff, volunteers, and contractors working within a correctional setting.

#### Reasoning & Findings Statement:

This standard works to ensure that medical and mental health staff have received specialized training for medical and mental health services provided to victims of sexual abuse and sexual harassment. The federal BOP has policies in place to ensure all USP Marion medical and mental health staff are

furnished this training. USP Marion medical and mental health administration confirmed that their staff have received all required and continuing education classes specific to their professional role as it applies to medical and mental health services administered when assisting victims of sexual abuse and sexual harassment. Documentation of agency training verified that said staff do receive specialized training in excess of the generalized training provided to all staff. Also, SAFE/SANE Nursing Staff confirmed that all persons conducting forensic medical exams at the local hospital are properly certified to perform said exams. As such, the USP Marion meets the requirements of this standard.

## **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, as 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, as 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, as known to the agency, history of prior institutional violence or sexual abuse?  Yes  No

#### 115.41 (f)

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

#### 115.41 (g)

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

#### 115.41 (h)

- Is it the case that 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

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#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP Memo Intake Screening Guidance PREA, 9-11-14
- Attachment A, PREA Intake Objective Screening Instrument, 6-4-15
- BOP Psychology Services Inmate Questionnaire
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Intake Screening Form, 1-11-21, 1-13-21, 1-14-21a, 1-14-21b, 1-15-21, 2-4-21, 3-3-20, 4-22-21, 5-4-21a, 5-4-21b, 5-19-21, 6-2-21, 6-14-21a, 6-14-21b, 6-23-21a, 6-23-21b, 7-7-21, 7-14-21, 7-28-21a, 7-28-21b, 7-29-21, 8-4-21a, 8-4-21b, 8-4-21c, 8-4-21d, 8-4-21e, 8-4-21f, 8-10-21, 9-3-21, 10-1-21
- MAR Psychology Services Risk of Sexual Abusiveness, 11-5-19, 12-31-19, 1-10-20, 3-9-20, 3-11-20, 3-18-20, 3-31-20, 10-2-20, 10-9-20, 10-21-20, 11-6-20, 1-11-21, 4-26-21, 5-5-21, 10-14-21
- MAR Psychology Services Risk of Sexual Victimization, 12-4-19, 12-9-19, 12-11-19, 12-23-19, 12-27-19, 12-30-19, 1-23-20, 2-25-20, 3-16-20, 9-29-20, 11-02-20, 2-11-21, 2-16-21, 6-25-21, 6-28-21
- MAR Memo Intake & Psychology Screening and Subsequent Teams for Assessment, 9-22-21
- MAR Individualized Needs Plan Program Review, 7-21-21, 7-22-21, 9-2-21, 10-26-21, 10-28-21

## Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Intake Staff
- Medical Staff
- Mental Health Staff
- Staff Who Perform Screening for Risk of Victimization and Abusiveness
- Offenders Who Identify as Lesbian, Gay, Bisexual, Transgender, or Intersex
- Disabled Offenders
- Limited English Proficient Offenders
- Random Offenders

## Site Review Observations:

- Engaged in a mock PREA screening demonstration
- Reviewed inmate files

## Standard Subsections:

- Policy (#P5324.12) requires that all inmates shall be assessed for risk of sexual victimization or abusiveness upon arrival of intake and upon transfer to another institution. The USP Marion Intake and Medical staff affirm the facility's adherence to agency policy. Specifically, all inmates received into the facility are screened for sexual victimization and/or sexually abusive risk factors on the same day that the inmates are received into the facility. A mock screening process was demonstrated to the auditor.
- Policy (#P5324.12) requires that the screenings will be completed "within 72 hours of the inmate's arrival at the facility." In speaking with USP Marion Intake and Medical staff, it was noted that said screenings take place immediately upon each inmate's arrival to the facility. In accordance to agency policy, of the 826 inmates entering the facility (either through intake or transfer) within the past 12 months, 100% were subsequently provided risk screening assessments for their risk of being sexually victimized or for being a sexual abuser within 72 hours of their entry into the facility.
- The PREA screening assessment is conducted using an objective screening instrument. A review of the survey questions provided to inmates does not present with either an implicit bias or leading statements. The PREA assessment process does not contain value statements, bias language, or implied negative consequences for affirmative answers to any of the questions asked. Rather, it is a strictly utilitarian form that was administered in a nonjudgmental manner during the mock demonstration. The answers to this questionnaire then determine both an inmate's risk of sexual victimization, as well as an inmate's risk of sexual abusiveness.
- The PREA assessment process does consider, at a minimum, if the inmate has a mental, physical, or developmental disability. It considers the age of the inmate, the inmate's physical build, whether the inmate has previously been incarcerated, whether the inmate's criminal history is exclusively nonviolent, whether the inmate has prior convictions for sex offenses against an adult or child, whether the inmate has previously experienced sexual victimization, the inmate's own

perception of vulnerability, and whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming. Inmates are explicitly asked if they are or if they are perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming/gender nonbinary. The risk screener is allowed to enter his/her subjective perception of the inmate's gender expression. During inmate interviews, most inmates stated that they had been asked the aforementioned questions upon their receipt into the USP Marion. A subsequent review of risk screening records for all inmates stating that they had not been asked the aforementioned PREA risk screening questions reflected that said risk screenings were, in fact, conducted within 72 hours of their admittance into the facility.

- In assessing inmates for their risk of being sexually abusive, the PREA Intake Objective Screening Instrument does consider prior acts of sexual abuse, prior convictions for violent offenses, and the history of prior institutional violence or sexual abuse. Along with observing a mock risk screening demonstration, the auditor also reviewed several PREA Intake Objective Screening Instrument completed within the auditing time frame. All forms were filled out in their entirety, with inmates having generally provided relevant answers to each of the questions asked. It should further be noted that Intake and Medical staff both confirmed that inmates may refuse to answer any question on the survey or may refuse participation in the entire survey process without the threat of negative consequences.
- Policy (#P5324.12) requires that “within a set time period, not to exceed 30 days from the inmate’s arrival at the facility, the facility will reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.” Per the facility PREA Compliance Manager, within the audit time frame, 100% of the 826 offenders with a length of stay in the facility for 30 days or more, were reassessed for their risk of sexual victimization or of being sexually abusive within 30 days after their arrival to the USP Marion. In speaking with USP Marion Unit Management staff, their adherence to this policy was confirmed. Additionally, a review of documentation specific to said assessments confirmed both initial and subsequent assessments were provided within the required time frames.
- Policy (#P5324.12) allows that any employee may make a mental health referral based on his/her observation of the inmate’s behavior or at the inmate’s request, which include referrals based on concerns the inmate has been or is at high risk of being subject to sexual misconduct. Both the USP Marion PREA Compliance Manager and staff who perform screening for risk of victimization and abusiveness confirm reassessments are conducted as required and that any staff member may refer an inmate for a risk screening reassessment. As well, in discussing reassessment processes with inmates, most inmates believed that the facility did take the PREA assessments and their responsibilities regarding PREA seriously. As well, most inmates believed that staff would address their needs in a timely manner. All inmates interviewed stated that they currently felt safe from fear of sexual assault at their current institution.
- Policy (#P5324.12) expressly prohibits disciplinary sanctions against any inmate who refuses to answer or fails to provide complete and/or accurate answers to any of the questions noted on the PREA Intake Objective Screening Instrument. When interviewed, Intake, Medical, and the USP Unit Managers affirmed that disciplinary sanctions were not imposed against inmates for refusing or failing to answer any of the questions on the PREA Intake Objective Screening Instrument or subsequent risk screening assessments. Additionally, all inmate interviews confirmed that said population was aware of their right not to answer related questions and to be free from disciplinary consequences in the event of any such refusal.

- Policy (#P5324.12) requires that the information presented on PREA Intake Objective Screening Instrument and subsequent screening processes is considered sensitive information. Accordingly, policy (#P5324.12) notes that “sensitive information is limited to staff who have a need to know.” Policy further requires, as well as reinforced by the electronic credential requirements necessary to gain access to the PREA Intake Objective Screening Instrument and subsequent screening processes, that facility staff must restrict the spread of information obtained as a function of the PREA Intake Objective Screening Instrument to only those designated staff members with an operational need for said information in order to inform classification, housing and work assignments, programmatic and non-programmatic activities, or other relevant institutional activities. The USP Marion PREA Compliance Manager, Unit Managers, and other operational staff associated with the screening process affirmed the information obtained by way of said documents was considered restricted, and as such, was not distributed to unauthorized staff. Lastly, the auditor observed that completed PREA Intake Objective Screening Instruments did require authorized credentials to access said documents within the BOP electronic data base.

#### Reasoning & Findings Statement:

This standard works to ensure inmates are properly screened for their risks of sexual victimization and abusiveness. Agency policy provides for an objective PREA Intake Objective Screening Instrument, which is administered and scored at the facility level as a simple fact assessment. Inmates are reassessed as required by policy, to include if new information is discovered by facility staff that might warrant changes in inmates’ risk status. Interviews with facility screening staff, as well as with inmates, confirm that the proper screening tool is being utilized at the USP Marion. As well, the information gleaned from this form is appropriately used to inform classification, programming, housing, work, and other facility-based activities. Staff charged with administering PREA Intake Objective Screening Instruments, as well as subsequent screening processes, affirm the restricted nature of the information and their adherence to the facility’s limited distribution list. As such, the USP Marion has satisfied the requirements of this standard and is found to meet its expectations.

## 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? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgment.)  Yes  No  NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex 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? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgment.)  Yes  No  NA

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex 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? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgment.)   
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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP Inmate Notice Zero Tolerance, English
- BOP Inmate Notice Zero Tolerance, Spanish
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memo Weekly Meeting Minutes, 11-4-20, 11-11-20, 11-18-20, 11-25-20, 12-2-20, 12-9-20, 12-16-20, 12-23-20, 12-30-20, 1-6-21, 1-13-21, 1-20-21, 1-27-21, 2-3-21, 2-10-21, 2-17-21, 2-24-21, 3-3-21, 3-10-21, 3-17-21, 3-24-21, 3-31-21, 4-7-21, 4-14-21, 4-21-21, 4-28-21, 5-5-21, 5-12-21, 5-19-21, 5-26-21, 6-2-21, 6-9-21, 6-16-21, 6-23-21, 6-30-21, 7-7-21, 7-14-21, 7-21-21, 7-28-21, 8-4-21, 8-11-21, 8-18-21, 8-25-21, 9-1-21, 9-8-21, 9-15-21, 9-22-21, 9-29-21, 10-6-21, 10-13-21, 10-20-21, 10-27-21, 11-3-21, 11-9-21, 11-17-21
- MAR Population Monitoring Census/Roster, 10-20-21a, 10-20-21b, 10-20-21c, 10-20-21d, 10-20-21e, 10-20-21f, 10-20-21g, 10-20-21h, 10-20-21i, 10-20-21j, 10-20-21k, 10-20-21l, 10-20-21m, 10-20-21n, 10-20-21o, 10-20-21p, 10-20-21q, 10-20-21r
- MAR Security/Designation Data, 10-20-21a, 10-20-21b, 10-20-21c, 10-20-21d, 10-20-21e, 10-20-21f, 10-20-21g, 10-20-21h, 10-20-21i, 10-20-21j, 10-20-21k, 10-20-21l, 10-20-21m, 10-20-21n, 10-20-21o, 10-20-21p, 10-20-21q, 10-20-21r
- MAR CIM Clearance and Separatee Data, 10-20-21a, 10-20-21b, 10-20-21c, 10-20-21d, 10-20-21e, 10-20-21f, 10-20-21g, 10-20-21h, 10-20-21i, 10-20-21j, 10-20-21k, 10-20-21l, 10-20-21m, 10-20-21n, 10-20-21o, 10-20-21p, 10-20-21q, 10-20-21r

- MAR Roster, 10-20-21
- MAR Inmate Activity Record, 3-23-18, 5-23-18, 10-11-18, 12-14-18, 8-8-19, 8-13-19, 10-31-19, 12-12-19, 12-18-19, 3-4-20, 3-18-20, 6-10-20, 7-2-20, 8-19-20, 8-21-20, 9-9-20, 10-20-20, 4-13-21, 6-11-21, 7-15-21, 8-25-21

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Intermediate or Higher-Level Facility Staff
- Intake Staff
- Medical Staff
- Mental Health Staff
- Staff Who Perform Screening for Risk of Victimization and Abusiveness
- Random Staff
- Offenders Who Identify as Lesbian, Gay, Bisexual, Transgender, or Intersex
- Disabled Offenders
- Limited English Proficient Offenders

#### Site Review Observations:

- Observed in a mock PREA screening demonstration
- Reviewed offender files
- Observed offender housing and work assignments

#### Standard Subsections:

- Policy (#P5324.12) requires that the agency use information from the PREA Intake Objective Screening Instrument to help separate inmates with a high risk of being sexually victimized from those inmates with a high risk of being sexually abusive. As such, the information gleaned from the PREA Intake Objective Screening Instrument is used to inform inmate housing, bed, work, education, and program assignments. In speaking with Intake and Medical staff, as well as USP Marion Unit Managers, once an inmate is deemed as a possible high risk for sexual victimization, staff will ensure that the inmate at risk is not housed in a vulnerable location with respect to other inmates who are assessed at a high risk to sexually abuse other inmates. The inmate will also be referred to medical/mental health staff for further review. Facility documentation reflects the use of screening instruments, as well as the application of the information that they provide, is an institutionalized process.
- Policy (#P5324.12) requires that the facility makes individualized determinations about how to ensure the safety of each inmate. In speaking with the BOP PREA Coordinator, the USP Marion PREA Compliance Manager, USP Unit Management Staff, and the USP Marion Warden, staff affirmed that the concerns for every inmate are reviewed on an individual basis. These reviews occur as needed, but at a minimum of a weekly basis. In speaking with inmates currently assigned to the USP Marion, most stated that their own opinions regarding their personal safety are considered by USP Marion staff when providing housing or job assignments. Inmates further stated that if their concerns for their own safety changed, many believed that USP Marion staff would take their concerns seriously.



- In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, agency policy (#P5324.12) requires that administrators consider, on a case-by-case basis, whether such a placement would ensure the offender's health and safety and whether such a placement would present management or security problems. In deciding whether to assign a transgender or intersex offender to a specific housing or program assignment, agency policy (#P5324.12) dictates that administrators consider, on a case-by-case basis, whether such a placement would ensure the offender's health and safety and whether such a placement would present management or security problems. In speaking with the PREA Coordinator, the USP Marion PREA Compliance Manager, and the USP Marion Warden, staff affirmed that an inmate's genital status is not the sole determining factor in placing transgender or intersex inmates in male or female facilities, or in placing said inmates within specific housing or program assignments within a facility.
- Agency policy (#P5324.12) requires that the placement and programming assignments of transgender or intersex inmates are reviewed at least twice every year to examine any possible safety concerns expressed by the inmate. When interviewed, USP Marion Unit Managers did affirm the facility's compliance with this policy. Documentation further reflects this compliance. As well, along with routine informal safety checks by the USP Marion PREA Compliance Manager, mental health staff, and housing staff, all transgender inmates interviewed confirmed that their living, work, and other environmental concerns for their sexual safety were formally reviewed twice a year.
- Agency policy (#P5324.12) requires that upon the routine review of the placement and programming assignments of transgender or intersex inmates, the transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration. When interviewed, USP Marion staff and the USP Marion PREA Compliance Manager affirmed that the facility adheres to this policy. Additionally, during random and targeted interviews with inmates, most stated that they believed USP Marion staff would consider their own views with respect to their own safety.
- Policy (#P5324.12) allows for transgender and intersex inmates to be given the opportunity to shower separately from other inmates. This is done to ensure transgender inmates are provided privacy in showering. At USP Marion, all showers are single person with privacy curtains. In interviewing transgender inmates, all such inmates were aware of their right to shower separately from the general inmate population. As well, all transgender inmates interviewed stated that they did not have any safety concerns in showering at the facility due to having single person showers.
- The USP Marion is not subject to consent decrees, legal settlements, or legal judgments requiring this facility to be established as a dedicated facility or housing unit for lesbian, gay, bisexual, transgender, or intersex offenders. As such, policy (#P5324.12) expressly states that "the agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates." In speaking with the PREA Coordinator, the USP Marion PREA Compliance Manager, and the USP Marion Warden, staff adamantly affirm that inmates who identify as transgender or intersex are not placed in a facility, or within a housing assignment, based solely on their sexual or gender identity. During interviews of transgender, intersex, gay, and bisexual inmates, none stated that they had ever been housed in a facility, or in a specific housing unit within the USP Marion, based solely on their gender identity or sexual orientation. As well, of the random staff interviewed, all such staff

affirmed that the USP Marion does not house transgender, intersex, gay, or bisexual inmates in any specific areas based solely on their gender identity or sexual orientation.

#### Reasoning & Findings Statement:

This standard works to ensure the adequate use of screening information to promote and protect inmates who may be at high risk of being sexually victimized. The BOP has numerous policies in place to ensure the most effective and secure use of the PREA Intake Objective Screening Instrument. Inmates deemed to be at high risk are routinely monitored by the USP Marion PREA Compliance Manager, Unit Managers, as well as Medical and Mental Health staff, to ensure their sexual safety. Agency policies require staff to make individualized determinations on a case-by-case basis regarding inmate safety. Interviews with the agency PREA Coordinator and the USP Marion PREA Compliance Manager reflect that facility staff have discretion in managing the safety of individual inmates. The USP Marion PREA Compliance Manager, as well as all other USP Marion staff, affirm their adherence to agency policies and also confirm that the inmates' views regarding their own safety are given serious consideration specific to facility operations. Staff affirm that transgender and intersex inmates are permitted the ability to shower separately from other inmates. Transgender inmates are also provided consideration in requesting the gender of staff that will conduct physical searches of their person. Additionally, transgender inmates are reviewed twice a year specific to their placement and programming assignments. As such, agency policy meets, and USP Marion adheres to, the requirements of this standard.

### 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 any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.)  Yes  No  NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.)  Yes  No  NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility *never* restricts access to programs, privileges, education, or work opportunities.)  Yes  No  NA

#### 115.43 (c)

- Does the facility assign 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- Program Statement #P3420.11, Standards of Employee Conduct, 12-6-13
- Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation
- MAR Memorandum No PREA At Risk Inmates Involuntarily Place In Segregated Housing, 9-22-21

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Designated Staff Member Charged with Monitoring Retaliation
- Incident Review Team Member
- Intermediate or Higher-Level Facility Staff
- Staff Who Supervise Offenders in Segregated Housing
- Random Inmate Interviews
- Targeted Inmate Interviews

#### Site Review Observations:

- Observed Special Housing Unit

#### Standard Subsections:

- Policy (#P5324.12) mandates that agency staff shall 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. If a facility cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.” In speaking with the USP Marion PREA Compliance Manager and the USP Marion Warden, staff confirm that there have not been any inmates placed in involuntary segregated housing; namely, the Special Housing Unit (SHU), for risk of sexual victimization during the audit time frame. As well, inmate interviews did not suggest that USP Marion utilizes any form of restrictive housing for inmates at risk of victimization who present sexual abuse or sexual harassment allegations to staff. As such, there were no relevant documents to review.
- Policy (#P5324.12) allows that, if necessary, “inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible.” To this effect, if inmates are involuntarily segregated, efforts should be made to ensure these inmates receive similar access to programmatic activities, privileges, educational

activities, and work opportunities as offenders assigned to the general population. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document which activities were restricted. Specifically, staff must document the opportunities that have been limited, the duration of the limit, and the reasons for said limitation. In speaking with the USP Marion PREA Compliance Manager, the USP Marion Warden, and USP Marion SHU supervisory staff, all such staff confirm that there have not been any inmates placed in the Special Housing Units for risk of sexual victimization during the audit time frame. Additionally, no inmates stated that they had been placed in such housing for risk of victimization at any point within their tenure at the USP Marion. As such, there wasn't any relevant documentation to review.

- Policy (#P5324.12) mandates that placement in the Special Housing Unit for those inmates at a high risk of sexual victimization shall only be used until an alternative means of separation from likely abusers can be arranged, but ordinarily not more than 30 days. In speaking with the USP Marion PREA Compliance Manager, the USP Marion Warden, and USP Marion SHU supervisory staff, said staff confirmed that there have not been any inmates placed in the Special Housing Unit for risk of sexual victimization during the audit time frame. Additionally, no inmates stated that they had been placed in such housing for risk of sexual victimization at any point within their tenure at the USP Marion. As such, there wasn't any relevant documentation to review.
- Policy (#P5324.12) requires that upon placement of an inmate into the Special Housing Unit, the facility must clearly document the basis of the facility's concern for the offender's safety. Additionally, the facility must document whether a determination has been made that there is no available alternative means of separation from the likely abusers. In speaking with the USP Marion PREA Compliance Manager, the USP Marion Warden, and USP Marion SHU supervisory staff, said staff confirmed that there have not been any inmates placed in the Special Housing Unit for risk of sexual victimization during the past 12 months. Additionally, no inmates stated that they had been placed in such housing for risk of sexual victimization. As such, there wasn't any relevant documentation to review.
- Policy (#P5324.12) requires that an inmate placed in the Special Housing Unit due to being a high risk of sexual victimization shall have this status reviewed at least every 30 days thereafter. In speaking with the USP Marion PREA Compliance Manager, the USP Marion Warden, and USP Marion SHU staff, staff confirmed both their knowledge of this policy and the fact that there have not been any inmates placed in the Special Housing Unit for risk of sexual victimization during the audit time frame. Additionally, no inmates stated that they had been placed in such housing for risk of sexual victimization. As such, there wasn't any relevant documentation to review.

#### Reasoning & Findings Statement:

This standard works to ensure that the use of involuntary protective custody is not a de facto management solution for inmate safety concerns. Agency policy explicitly mandates that staff refrain from placing inmates at high risk for sexual victimization in the Special Housing Unit unless an assessment of all available alternatives has been made and there are no other available means of separation from likely abusers. In speaking with the USP Marion PREA Compliance Manager, the USP Marion Warden, and USP Marion SHU supervisory staff, staff confirmed that there have not been any inmates placed in the Special Housing Unit for risk of sexual victimization during the audit time frame. Additionally, no inmates stated that they had been placed in such housing for risk of sexual victimization. As such, there wasn't any relevant documentation to review. In speaking with correctional

staff routinely assigned to work within the Special Housing Unit, said staff confirmed that if inmates were to be assigned to the Special Housing Unit for high risk of sexual victimization, they would be afforded, as much as possible, similar activities as the inmates within general population. However, to the best of their knowledge, there have not been any such inmates assigned to such housing within the audit time frame. The USP Marion has satisfied all component parts of this standard and is found to have met its provisions.

## 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? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes)  
 Yes  No  NA

#### 115.51 (c)

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

#### 115.51 (d)

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

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P3420.11, Standards of Employee Conduct, 12-6-13
- BOP Inmate Notice Zero Tolerance, English
- BOP Inmate Notice Zero Tolerance, Spanish
- Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders, 2018, English
- Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders, 2018, Spanish
- BOP Memorandum for all Bureau Inmates, Suicide Prevention, 7-20-12, English
- BOP Memorandum for all Bureau Inmates, Suicide Prevention, 7-20-12, Spanish
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Admission & Orientation Handbook, 2-25-21
- MAR Memorandum Third Party Reporting, 9-22-21
- MAR Initiating of Reporting Process, 11-1-21
- MAR PREA Compliance Manager Tracking Sheet

### Interviews:

- Agency Head
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Random Staff
- Offenders Who Disclosed Sexual Victimization During Risk Screening
- Offenders Who Reported Sexual Abuse
- Random Offenders

## Site Review Observations:

- Reviewed documentation related to inmate reports of sexual abuse and sexual harassment.
- Observed informational posters throughout the facility advising offenders of various reporting mechanisms for allegations of sexual abuse and sexual harassment
- Observed numerous PREA educational and reporting references available for offender use within the facility Law Library
- Observed mock demonstration of PREA risk screening

## Standard Subsections:

- The agency provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, as well as neglect or violations of staff responsibilities that may have contributed to such incidents. Additionally, the agency provides numerous avenues by which inmates may report any subsequent retaliatory measures experienced by inmates as a result of having reported said abuse. Upon receipt onto the facility, all inmates are provided a PREA risk assessment screening, via the PREA Intake Objective Screening Instrument, and advised of their right to be free of sexual abuse and sexual harassment under the PREA standards. Inmates are subsequently given a more comprehensive inmate orientation within 30 days of their receipt into the facility. This orientation includes detailed training on the BOP PREA program. This training includes information on, and contact information for, internal and external reporting agencies. Inmates are also provided with a USP Marion Inmate Orientation Handbook, which contains contact information for internal and external reporting agencies, as well as national and local victim services organizations. As well, one of the many ways that inmates can make claims of sexual abuse and sexual harassment is through the agency's e-mail system. There are multiple computer access portals available for inmate use within every housing area. In interviewing staff, all employees were aware of an inmate's right to report allegations of sexual abuse and sexual harassment and to be free from measures of retaliation for having reported said abuse. In interviewing inmates, all inmates were equally aware of their right to report allegations of sexual abuse and sexual harassment and to be free from measures of retaliation for having reported said abuse. During random and targeted interviews, all inmates were able to articulate at least one manner by which a report could be made.
- As noted in policy (#P5324.12), the facility also provides multiple avenues and contact information for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency. Inmates are provided the phone numbers to the Operation Support Center and an Outside Agency Reporting Hot Line, with calls to both agencies being anonymous and without cost to the inmate. Inmates are provided the address to the primary reporting entity, the Office of the Inspector General, which can receive and immediately forward offender reports to agency officials for their investigation. Upon an inmate's request, the Office of the Inspector General will allow an inmate to remain anonymous. If an inmate is being detained solely for civil immigration purposes, relevant contact information for his/her consular is available in the USP Marion facility Law Library.
- Per policy (#P5324.12), staff accept all reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties. All employees interviewed stated that they would act on any report of sexual abuse or sexual harassment regardless of how they became aware of that information. In doing so, all staff stated that they would immediately document such reports as soon as possible following the allegations being presented to them. All inmates interviewed affirmed their right to make either verbal or written reports of sexual abuse and sexual harassment. Most inmates were also aware that they could make reports of sexual



abuse and sexual harassment via third party or anonymously. The majority of inmates interviewed stated that they believed USP Marion staff would take any complaint of sexual safety seriously and act accordingly to address their concerns.

- Per policy (#P5324.12), staff have an affirmative duty to report any knowledge, suspicion, or information they may have regarding sexual abuse, sexual harassment, or retaliation against inmates or staff for having reported such abuse. Nonetheless, per policy (#P5324.12) staff may privately report sexual misconduct by contacting “any supervisory staff at the local institution, regional staff, or Central Office staff, including the Central Office Management Analyst and the National PREA Coordinator. Allegations involving staff members may also be reported to the Office of Internal Affairs or the Office of the Inspector General, as appropriate.” When asked, staff were generally aware that they could make anonymous reports of sexual abuse and sexual harassment and could provide at least one manner by which to do so.

#### Reasoning & Findings Statement:

This standard works to ensure inmates, staff, and outside agents have the ability to report all instances of sexual abuse and sexual harassment against inmates. The agency does have multiple avenues by which inmates may make formal reports, to include verbal, written, anonymous, and third-party reports. Inmates are provided detailed instructions, contact persons, phone numbers, e-mail addresses, and physical addresses for correspondence where incidents or suspicions of sexual abuse, sexual harassment, and retaliation may be reported. Additionally, while inmates are not encouraged to utilize rape counseling support service centers as reporting avenues, these centers will serve in this capacity if explicitly requested by the inmate. With this in mind, the auditor solicited inmate contact information from Just Detention International, a national resource center that can provide referrals to local rape crisis centers, and The Women’s Center, a local rape counseling center servicing incarcerated persons assigned to the USP Marion. Just Detention International stated that it had not received any correspondence from persons confined within the USP Marion. The Women’s Center did not respond to attempts to contact facility staff. In interviewing correctional staff, all such persons were aware that inmates could report allegations of sexual abuse and sexual harassment verbally, in writing, anonymously, and through a third party. When receiving verbal reports of sexual abuse and sexual harassment, all staff recognized the need to take immediate action to protect the inmate in question and the need to document the verbal complaint as soon as possible. In speaking with inmates, all persons were aware of their right to be free from sexual abuse and sexual harassment, as well as their right not to suffer retaliation for having reported such abuse. All incarcerated persons understood their right to make verbal and written complaints. The majority of inmates understood their right to make anonymous and third-party complaints. As such, it is evident that the USP Marion meets all aspects of this standard.

### **Standard 115.52: Exhaustion of administrative remedies**

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

##### **115.52 (a)**

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

#### 115.52 (b)

- Does the agency permit 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 MARth? (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

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## Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P1330.18, Administrative Remedy Program, 1-6-14
- Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders, 2018, English
- Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders, 2018, Spanish
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR-1330.18C, Administrative Remedy Program, 1-30-20
- MAR Memorandum PREA Related Grievances, 9-22-21

## Interviews:

- PREA Compliance Manager
- Facility Warden
- Investigative Staff
- Random Offenders
- Offenders Who Reported Sexual Abuse

## Site Review Observations:

- Reviewed inmate complaints received by Institution Investigator

## Standard Subsections:

- The BOP does have administrative procedures to address grievances submitted by incarcerated persons regarding sexual abuse.
- Policy (#P5324.12, #P1330.18) permits inmates to submit grievances regarding allegations of sexual abuse and sexual harassment. Inmates are not mandated to file these administrative remedies within a required time frame. Additionally, inmates do not need to first seek an informal resolution to their concerns.
- Policy (#P5324.12, #P1330.18) permits inmates to submit grievances regarding allegations of sexual abuse and sexual harassment directly to the Regional Director. As such, inmates are not required to first seek an informal resolution to their concerns prior to filing and administrative remedy. These complaints are subsequently processed by the institutional investigator, not the person with whom the complaint is against.
- Policy (#P5324.12, #P1330.18) requires the BOP to “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. The agency 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. 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.”

- Policy (#P5324.12, #P1330.18) allows for “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 the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate’s decision.”
- Policy (#P5324.12, #P1330.18) requires that should the agency receiving “an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance 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 agency decision within five calendar days. The initial response and final agency decision shall document the agency’s determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.”
- Policy (#P5324.12, #P1330.18) allows that “the agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmate filed the grievance in bad faith.”

Reasoning & Findings Statement:

This standard works to ensure inmate access to courts by way of exhausting administrative remedies specific to allegations of sexual abuse and sexual harassment. Policy (#P1330.18) permits inmates to submit grievances alleging sexual abuse and sexual harassment. Once filed, the agency must respond to the inmate’s allegations in a timely manner. Failure to provide a timely response can be construed as a denial at that level. The inmate may then pursue his concerns to the next level. Unless the agency can prove that the inmate filed his administrative remedy in bad faith, disciplinary sanctions cannot be applied against the inmate for having filed allegations of sexual abuse or sexual harassment. During the audit time frame, the USP Marion received four grievances concerning sexual abuse or sexual harassment. All such grievances were processed and provided disposition within a 90-day time frame. As such, the facility has demonstrated its compliance with this standard.

## 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? (N/A if the facility *never* has persons detained solely for civil immigration purposes.)  Yes  No  NA
- 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

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#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- National Sexual Assault Hotline, Crisis Support Counselor, English
- National Sexual Assault Hotline, Crisis Support Counselor, Spanish
- Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders, 2018, English
- Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders, 2018, Spanish
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MOU Between MAR and The Women's Center, 7-18-19
- MAR The Women's Center 24-Hour Hotline Number & Informational Pamphlet

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Medical Staff
- Mental Health Staff

- SANE/SAFE Staff
- Random Staff
- Mailroom Staff
- Offenders Who Disclosed Sexual Victimization During Risk Screening
- Offenders Who Reported Sexual Abuse
- Random Offenders
- Just Detention International

#### Site Review Observations:

- Reviewed PREA Risk Screening assessment and distributed information upon USP Marion reception
- Observed informational posters throughout the facility advising offenders of various reporting mechanisms for allegations of sexual abuse and sexual harassment
- Observed numerous PREA educational and reporting references available for inmate use within the facility Law Library
- Observed offender general visitation and legal visit areas informational posters

#### Standard Subsections:

- Policy (#P5324.12) requires the facility to provide inmates with the mailing address and telephone numbers of outside victim advocates. The USP Marion Inmate Handbook provides a wealth of contact information for reporting sexual abuse and sexual harassment. Via institutional awareness posters, inmates are also provided the physical address to write for confidential emotional support services. As well, the Law Library contains a listing of contact information. Per policy (#P5324.12) the agency does provide toll-free telephone calls to a rape crisis hotline. Policy (#P5324.12) also allows that communication between inmates and advocates within rape crisis centers is as confidential as possible. The BOP does detain inmates solely for civil immigration purposes. Accordingly, information on how to contact relevant consular officials is available in the facility's Law Library. When interviewed, most inmates knew that the agency provided free rape crisis support services to inmates, more commonly referred to across the inmate population as the "PREA Hotline." Additionally, all inmates were aware of at least one means by which they could contact rape crisis support services, with most offenders knowing that they could access those services by way of the information provided via the PREA informational posters located throughout the facility.
- Per policy (#P5324.12) inmates are notified that their calls to the national hotline number (Rape, Abuse and Incest National Network), as well as to any local rape crisis centers, only rise to the level of confidential. As such, these calls are subject to staff monitoring.
- The USP Marion has negotiated a contract between itself and The Women's Center to help provide locally based rape crisis support services as requested by inmates assigned to the USP Marion. The USP Marion does maintain, and did supply, a facility-based agreement for review.

#### Reasoning & Findings Statement:

This policy works to ensure that inmates assigned to the USP Marion have access to outside confidential rape crisis support services and that access is provided in the most confidential manner as possible. Inmates assigned to the USP Marion are provided a list of resources to contact regarding sexual abuse rape crisis support services. This list contains a local rape crisis center and contact information for related services. Inmates are advised that calls to rape crisis centers are subject to monitoring. The USP Marion has also secured a memorandum of understanding with a local rape crisis center, The Women's Center, for support services. When interviewed, all employees and inmates knew that the agency provided free emotional support services to offenders upon request. As such, the USP Marion has met the minimum standards of this provision.

## Standard 115.54: Third-party reporting

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

#### 115.54 (a)

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

#### Auditor Overall Compliance Determination

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

#### Instructions for Overall Compliance Determination Narrative

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#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP Inmate Notice Zero Tolerance, English
- BOP Inmate Notice Zero Tolerance, Spanish
- National Sexual Assault Telephone Hotline, English
- National Sexual Assault Telephone Hotline, Spanish
- BOP Voice Your Inmate Concerns Reporting Prompt
- Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders, English, 2018
- Sexually Abusive Behavior Prevention and Intervention, An Overview for Offenders, Spanish, 2018
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-2
- MAR The Women's Center 24-Hour Hotline Number & Informational Pamphlet

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- USP Marion Executive Assistant



- Investigative Staff
- Random Offenders
- Just Detention International

#### Site Review Observations:

- Review BOP website specific to PREA and third-party reporting methods
- Tested BOP online third-party reporting system
- Observed the Offender Visitation Area informational posters
- Observed informational postings and other publications throughout the offender housing areas
- Observed PREA reporting information within the Law Library

#### Standard Subsections:

- Policy (#P5324.12) allows for the use of third-party reporting on allegations of sexual abuse and sexual harassment. During the onsite review, signage throughout the facility encouraged offenders to third-party report if needed. As well, public notices on PREA reporting, specifically third-party reporting, were available for review by offender family and friends via the facility's Offender Visitation Room. Additionally, public notice on third-party PREA reporting is available to the general public on the agency's website. To verify the online third-party reporting system was operational, the auditor submitted a test email to the agency's online reporting address. An automated receipt response was received at the time of submission. Agency personnel, specifically, the USP Marion PREA Compliance Manager, responded to the online submission confirming receipt of the system test email. All staff interviewed confirmed that the USP Marion would accept third-party reports of sexual abuse. As well, most inmates interviewed believed that the facility would accept, and take seriously, any allegations of sexual abuse reported by a third party to the USP Marion online reporting system via the BOP web page.

#### Reasoning & Findings Statement:

This standard works to ensure a publicly available third-party reporting mechanism exists for claims of sexual abuse and sexual harassment being inflicted upon inmates. In accordance with policy (#P5324.12), the USP Marion promotes the use of third-party reporting via informational posters spread out across the facility, to include the Inmate Visitation Area. Electronic contact information is freely distributed on the agency's website in order to allow the general public direct access to reporting information. To ensure the functionality of the BOP site, all electronic links were tested and found to be operating as required. To ensure the functionality of the BOP online third-party reporting system, a test submission was successfully sent with a personalized facility-based response received within one business day. As well, PREA informational posters and the inmate PREA training video also provide inmates with a plethora of agency telephone numbers, physical addresses, and electronic contact methods. Additionally, inmates themselves can access the agency's website in order to utilize the agency's web reporting system. Inmates can communicate this reference information to their family, friends, and personal advocates. Inmates themselves are provided numerous state and advocacy addresses to submit third-party correspondence. As well, inmates may also have a third-party party complaint via any staff member or other PREA reporting mechanisms. When interviewed, all staff were aware that the facility would accept and investigate third-party complaints of sexual abuse and sexual harassment from inmate advocates. Most inmates were also aware of their right to file a third-party complaint on behalf of another inmate. The concept of third-party reporting is clearly institutionalized across staff and offender cultures. As well, given the many possible methods for others to utilize third-

party reporting, the BOP, and by extension, the USP Marion, has clearly exceeded the provisions of this standard.

## 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

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### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Investigative Staff
- Medical Staff
- Mental Health Staff
- Random Staff
- Random Offenders

### Site Review Observations:

- Employee training records

### Standard Subsections:

- Policy (#P5324.12) mandates that all employees must immediately report all knowledge, suspicion, or information of any sexual misconduct that occurred within the correctional institution. As well, staff have an affirmative duty to report all knowledge, suspicion, or information regarding retaliation against offenders or staff for having reported an incident of sexual abuse and sexual harassment. Staff also have an affirmative duty to report any negligence or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation. A review of employee training records, as well as training curriculum records, reflects that all USP Marion staff have all received initial PREA training, including acknowledgment of their affirmative duty responsibilities. When interviewed, all staff confirmed their obligation to immediately report any information they might have regarding allegations of sexual abuse and sexual harassment.

- Policy (#P5324.12) advises all staff that any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decision. Staff are cautioned to disseminate information related to sexual abuse reports only on a need-to-know basis and only to the extent necessary. Random staff interviews confirm that facility employees are aware of the sensitive and confidential nature of said complaints. In speaking with the USP Marion PREA Compliance Manager, as well as USP Marion institutional investigators, the totality and reasoning surrounding the confidential investigatory process was clearly explained.
- Policy (#P5324.12) requires that medical and mental health practitioners have a duty to disclose their mandatory reporting status, including limitations of confidentiality. During medical/mental health services staff interviews, the need for medical staff to inform offenders (at the initiation of professional services) of their duty to report, as well as to their limitations of confidentiality, was affirmed. Additionally, medical/mental health staff noted their policy to have inmates acknowledge their understanding of policy via a signed informed consent statement.
- All inmates incarcerated within the USP Marion are legally classified as adults. As such, there aren't any juveniles assigned to this facility. However, per policy (#P5324.12), the facility may still have persons classified as vulnerable adults. In accordance with the National Adult Protective Services Association, a vulnerable adult is a person who has been identified as being elderly (generally seen as over the age of 60) or having an intellectual and/or developmental disability. If an inmate is considered a vulnerable adult, per policy (#P5324.12), allegations of prior sexual victimization must be forwarded to the appropriate "state or local services agency under applicable mandatory reporting laws."
- Policy (#P5324.12) mandates that all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, are referred by the "Institution PREA Compliance Manager... to the appropriate office, and reviews the incident for any further response." When interviewing random facility staff, all employees affirmatively responded that any reports of sexual abuse and sexual harassment received by them would be immediately referred to supervisory and/or other entities appropriate for further investigations.

#### Reasoning & Findings Statement:

This standard works to ensure mandatory staff and agency reporting requirements. Both agency and facility policies mandate staffs' duty to report all allegations of sexual abuse and sexual harassment. Policy further stresses the importance of confidentiality as it applies to reported incidents of sexual abuse and sexual harassment. Lastly, policy requires that all medical and mental health staff disclose their limits of confidentiality and obtain informed consent prior to the initiation of services. In interviewing correctional staff, both uniformed and non-uniformed, all employees expressed an understanding of policy. Training records and course curricula document correctional staff training specific to mandatory reporting requirements. In interviewing USP Marion medical/mental health staff, the process of limited confidentiality and informed consent used by said staff was explained. As well, training records and course curricula for the specialized training of medical staff document an understanding of mandatory reporting requirements. As such, the USP Marion meets the provisions established within this standard.

## 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegation, May 2015
- BOP Staff PREA Emergency Response Card
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum No Inmates at Substantial Risk, 9-22-21

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Designated Staff Member Charged with Monitoring Retaliation
- Incident Review Team Member
- Intermediate or Higher-Level Facility Staff
- Investigative Staff
- Intake Staff
- Staff Who Perform Screening for Risk of Victimization and Abusiveness
- Medical Staff
- Mental Health Staff
- Random Staff
- Random Offenders
- Offenders Who Disclosed Sexual Victimization During Risk Screening
- Offenders Who Reported Sexual Abuse

## Site Review Observations:

- Review of retaliation monitoring documentation

## Standard Subsections:

- Per policy (#P5324.12), when the USP Marion learns that an inmate is subject to a substantial risk of imminent sexual abuse, agency officials have an affirmative duty to take immediate action to protect the offender. In speaking with the USP Marion PREA Compliance Manager, USP Marion Warden, USP Marion Unit Managers, USP Marion Investigative Staff, and Random Staff, a number of possible options were discussed specific to inmate protection measures. During the audit time frame, however, the USP Marion did not have any instances where inmates were at substantial risk of imminent sexual abuse. As such, the facility has no such documentation for review.

## Reasoning & Findings Statement:

This standard works to actualize the processes of inmate protection. Agency policy (#P5324.12) requires staff to take immediate action to ensure the safety of all inmates who are at a high risk of sexual victimization. Provided there are no other alternative options available to ensure the inmate's safety, policy (#P5324.12) allows the facility to immediately increase the safety of the at-risk inmate by placing said inmate in a Special Housing Unit. However, placement in the Special Housing Unit would only be used if no other general housing assignments available would ensure the inmate's safety. During the audit time frame, the USP Marion did not receive any reports from inmates who was at a substantial risk of sexual abuse. In interviewing random staff, all persons were asked specifically what actions would be taken if an inmate presented as a high risk for sexual victimization. Unequivocally, all staff responded that they would take immediate action to protect the potential victim. Additionally, supervisory staff were questioned as to their role in this potentially dangerous situation. While supervisory staff did provide a more technical and inclusive response, they too, were centrally focused on protecting the inmate. Hence, the facility has clearly realized the provisions of this standard.

## 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum Warden-to-Warden Notification, 8-18-21, 8-19-21, 9-9-21a, 9-9-21b
- MAR Memorandum Report of Staff Misconduct, 8-18-21
- MAR Memorandum of Interview, 8-18-21a, 8-18-21b, 8-18-21c

### Interviews:

- Agency Head
- PREA Compliance Manager
- Facility Warden

### Site Review Observations:

- Review of facility-to-facility referrals

### Standard Subsections:

- BOP policy (#P5324.12) requires that when a facility receives notice regarding allegations of sexual abuse and sexual harassment occurring at another facility, the receiving facility must provide written notice of these allegations to the managing officer (Warden) of the destination facility within 72 hours. A review of documents for the past twelve months reflects that there was three such referrals made by the USP Marion and no referrals were made to the USP Marion.
- Per BOP policy (#P5324.12), written notice of the aforementioned allegations must be provided as soon as possible, but not more than 72 hours after learning of the allegations. The USP Marion Warden confirmed that all notices are sent to the destination facility as soon as possible and certainly within 72 hours. Documentation reviewed onsite supports this statement. Since there

weren't any referrals made to the USP Marion, there weren't any incoming referrals available for documentation review.

- Referrals are documented through the use of a BOP Memorandum in accordance with policy (#P5324.12).
- Upon receipt of said allegations, policy (#P5324.12) requires that the Warden of the destination facility must then process these allegations in accordance with standard protocol.

#### Reasoning & Findings Statement:

This policy works to ensure agency staff are provided sufficient due process with respect to the timely notification of inmate allegations involving sexual abuse and sexual harassment. Within the audit time frame, the USP Marion received three allegations of sexual abuse and sexual harassment from inmates who reported that sexual abuse or sexual harassment had occurred at another facility. Documentation reviews supported those referrals were made to other facilities within the required time frames. Within the audit time frame, the USP Marion did not receive any allegations of sexual abuse and sexual harassment from another facility where the inmate at that facility had reported that the allegations of sexual abuse and sexual harassment had occurred at the USP Marion. Accordingly, the USP Marion has satisfied the requirements of this standard.

### **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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP PREA First Responder Actions Card
- BOP Guide for First Responders
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- PREA Compliance Manager
- Facility Warden
- Investigative Staff
- Intermediate or Higher-Level Facility Staff
- Random Staff
- First Responders
- Offenders Who Reported Sexual Abuse

#### Site Review Observations:

- Review of employee training records
- Review of investigator case files

#### Standard Subsections:

- Policy (#P5324.12) requires the first responding custody staff member to immediately separate the alleged victim and abuser. After ensuring the safety of the victim, policy (#P5324.12)

requires staff to preserve and protect the crime scene until evidence collection is possible. If the first responder learns that the victim has been sexually abused, and the abuse occurred within a time period that still allows for the collection of physical evidence, the first responder should 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. Once the first responder learns that an offender has been sexually abusive, and the abuse occurred within a time period that still allows for the collection of physical evidence, the first responder should 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. In interviewing USP Marion custody staff, the actions that would be taken if said staff were notified of sexual abuse allegations were consistent with policy. Within the past twelve months, USP Marion has received four allegations from inmates who claim to have witnessed or to have been victims of sexual abuse or sexual harassment. However, in all of these instances, there weren't any allegations of sexual abuse that occurred within the time frame that would have still allowed for the collection of physical evidence. Accordingly, there weren't any forensic exams performed within the audit time frame.

- Policy (#P5324.12) requires that non-custody first responders contain and assess the situation, notify their immediate supervisor or the security shift supervisor, instruct the victim not to take any action that could destroy physical evidence. In interviewing USP Marion non-custody staff, the actions that would be taken were said staff notified of sexual abuse allegations were consistent with policy.

#### Reasoning & Findings Statement:

This standard works to determine whether facility staff understand their role when responding to inmate allegations of sexual abuse and sexual harassment. Of primary importance is separating and securing the alleged victim and abuser. Of this, all staff interviewed absolutely articulated that point. Most staff then articulated the need to preserve any evidence possibly remaining at the crime scene and on the alleged victim. A review of employee training records and class curricula reflect staff have received required training specific to the preservation of evidence regarding allegations of sexual abuse and sexual harassment. As a function of the response protocol, the immediate notification to a custody supervisor provides greater assurance that all subsequent critical steps will be followed. This information, combined with agency policy, staff interviews, and facility training documentation sufficiently supports the expectations required by this standard.

## 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP ONE Source First Responder Reference Guide
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Designated Staff Member Charged with Monitoring Retaliation
- Incident Review Team Member
- Intermediate or Higher-Level Facility Staff
- Investigative Staff
- Medical Staff
- Mental Health Staff
- SANE/SAFE Staff
- Random Staff

### Site Review Observations:

- Review of departmental level facility processes

### Standard Subsections:

- The USP Marion has developed a written institutional plan; namely, MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20, to coordinate actions amongst first responders, medical and mental health practitioners, investigators, and facility leadership in response to incidents of sexual abuse and sexual harassment.

## Reasoning & Findings Statement:

This provision works to coordinate facility efforts so that victims of sexual abuse and sexual harassment receive adequate support services. To coordinate facility efforts in the most efficient manner possible, the USP Marion implemented a facility-based policy (MAR-5324.12B) that details the coordinated response plan to an incident of inmate sexual abuse. In this, the roles of all facility staff are discussed and, perhaps even more importantly, the way those roles interact with one another is outlined. This policy is a conveniently written overview of departmental responsibilities, equipped with notification and referral reminders. When asked, various departmental staff were able to articulate their roles in the response process. As such, the USP Marion has met all of the provisions of this standard.

## 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15

- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Local Supplemental Agreement, 3-1-17

Interviews:

- Agency Head
- Agency Contract Administrator
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Administrative (Human Resources) Staff

Site Review Observations:

- Reviewed of facility documentation

Standard Subsections:

- Per policy (#P5324.12), both the agency, as well as any other governmental entity responsible for collective bargaining on the agency's behalf, are 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 inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. The USP Marion has not renewed or entered into any new collective bargaining agreement since its previous PREA audit in 2019. It is further noted that the Federal Bureau of Prisons, and by extension, the USP Marion, retains the management rights for facilitates to remove alleged staff sexual abusers from contact with inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.
- The auditor is not required to audit this provision.

Reasoning & Findings Statement:

This provision allows the agency to protect inmates from having contact with sexual abusers and sexual harassers. Policy (#P5324.12) allows for employees to be suspended from duty pending the outcome of a sexual abuse or sexual harassment investigation. In speaking with the USP Marion Warden and USP Marion Investigative Staff, the process of suspending or separating an employee from employment as a function of a negative sexual abuse or sexual harassment investigation finding was explained. It was also noted that the BOP, and by extension, USP Marion facility administration, has no reservations about discharging employees for engaging in sexual abuse and sexual harassment of inmates. Hence, the USP Marion has satisfactorily met all provisions within this standard.

## **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 inmates 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Institutional Investigator
- Designated Staff Member Charged with Monitoring Retaliation
- Random Staff
- Random Offenders
- Offenders Who Reported Sexual Abuse

#### Site Review Observations:

- Reviewed ten PREA investigations, to include retaliation monitoring logs (staff/offender), onsite.

#### Standard Subsections:

- Policy (#P5324.12) prohibits retaliation for reporting sexual abuse or sexual harassment and for cooperating with a sexual abuse and sexual harassment investigations. Per policy (#P5324.12) “the Institution PREA Compliance Manager monitors staff and inmates who have reported sexual abuse allegations to protect them from retaliation for 90 days. However, if the initial monitoring indicates a continuing need, periodic status checks occur.”
- Per policy (#P5324.12), the “agency 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 who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.”
- Per policy (#P5324.12), for a minimum of three (3) months following a report of sexual abuse or sexual harassment, the facility shall monitor the conduct and treatment of:
  - An inmate who reported an incident of sexual abuse or sexual harassment (including a third-party reporter)
  - An inmate who was reported to have suffered sexual abuse or sexual harassment; and
  - An employee who reported an incident of sexual abuse or sexual harassment of an inmate.
  - Monitoring staff shall employ multiple protection measures to prevent inmate retaliation, such as reviewing inmate disciplinary, housing changes, job changes, and program changes.
  - Monitoring staff shall employ multiple protection measures to prevent staff retaliation, such as negative performance reviews for staff and the reassignment of staff.
  - Monitoring shall go beyond 90 days if the initial monitoring indicates a continuing need.
  - Within the past twelve months, the USP Marion has not had any reported incidents of retaliation.
- Per policy (#P5324.12), in the case of inmates, such monitoring shall also include periodic in-person status checks at least every 30 days.
- Per policy (#P5324.12), if any other individual (staff, volunteer, contractor, offender, adolescent offender, resident, etc.) who cooperates with an investigation expresses a fear of retaliation, the facility and agency shall take appropriate measures to protect that individual against retaliation.
- The auditor is not required to audit this provision.

#### Reasoning & Findings Statement:

This standard works to prevent retaliation against employees and inmates for reporting sexual abuse and sexual harassment or for having cooperated with an investigation into such. BOP policy provides a comprehensive overview of agency protection against sexual abuse and sexual harassment. In speaking with inmates, none noted that they had ever experienced retaliation for participating in a PREA related facility investigation. Ten investigatory files, which included retaliation monitoring, were reviewed



while on-site. In reviewing these, both the USP Marion PREA Compliance Manager and the USP Marion Institutional Investigator provided detailed explanations of the monitoring process. As such, the auditor was able to observe the monitoring system currently in place at the USP Marion. Given the totality of the policies provided, staff knowledge regarding the process, and a demonstration of the USP Marion monitoring process, the USP Marion has certainly satisfied the basic provisions of this standard.

## 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- BOP Safeguarding of Inmates Alleging Sexual Abuse/Assault Allegations, 2015
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum No Segregation Requiring Alternate Housing, 9-22-21

#### Interviews:

- PREA Compliance Manager
- Facility Warden
- Designated Staff Member Charged with Monitoring Retaliation
- Random Staff
- Staff Who Supervise Offenders in Segregated Housing
- Random Offenders

#### Site Review Observations:

- Observed Special Housing Unit

#### Standard Subsections:

- Policy (#P5324.12) prohibits placing inmates who allege sexual abuse, or inmates who are at a

high risk of sexual abuse, in Special Housing Units unless an assessment of all other available alternatives has been made and a subsequent determination concludes that there are no available alternative means of separation from likely abusers. Within the past twelve months, the USP Marion has not placed any inmates who have suffered sexual abuse, or who are at a high risk of sexual abuse, in a Special Housing Unit pending completion of their assessment.

#### Reasoning & Findings Statement:

Agency policy strictly prohibits the use of involuntary segregated housing; namely, Special Housing Units, as a de facto response to inmate safety concerns. Rather, as explained by the USP Marion PREA Compliance Manager and USP Marion Investigative Staff, the use of involuntary segregated housing should be considered only as the last available option, and even at that, as only a temporary measure. Within the reporting time frame, USP Marion administration did not utilize involuntary segregated housing for any inmate who had alleged sexual abuse or fear of such abuse. While conversations with the SHU Segregation Supervisor did indicate that if absolutely necessary, inmates would be placed in involuntary segregated housing, it would be the absolute last option. The USP Marion Warden noted that such this ever occur, the inmate's status would be reviewed at least every 30 days, with the reviews being documented on the Security Review Official Log. The inmate would also be reviewed every 30 days by Psychology Services. A weekly review of that inmate's status would also occur during every Special Housing Unit weekly meeting. As such, the USP Marion has satisfied the requirements of this provision.

## 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 (I)

- 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Email regarding DOJ OIG Authority and AG Memo of Duty to Report Misconduct and Cooperate, 3-12-14
- BOP Memorandum External Investigators and PREA Training, 8-6-13
- MOU FBI and BOP Investigations Conducted According to DOJ Standards, 4-2-14
- FBI Domestic Investigations and Operations Guide
- DOJ/OIG PREA Training, Topics List, 1-14-14
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Investigative Staff
- Offenders Who Reported Sexual Abuse

#### Site Review Observations:

- Review of ten facility-based case files
- Reviewed investigator training certifications
- Reviewed agency training records documenting investigator training curricula

## Standard Subsections:

- Policy (#P5324.12) requires that "when the agency 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."
- Policy (#P5324.12) requires investigators to have received specialized training in excess of the generalized sexual abuse and sexual harassment training provided to other staff. In interviewing the USP Marion Institutional Investigator, said staff confirmed participation in numerous related courses, to include NIC's Investigating Sexual Abuse in a Confinement Setting. Additionally, training curricula, employee training certifications, as well as completed training rosters, provided additional documentation to support facility compliance.
- Per policy (#P5324.12), Institutional Investigators and/or the USP Marion PREA Compliance Manager gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. Policy (#P5324.12) allows that Institutional Investigators and/or the USP Marion PREA Compliance Manager will interview alleged victims, suspected perpetrators, and witnesses. Institutional Investigators and/or the USP Marion PREA Compliance Manager are also required to review prior reports and complaints of sexual abuse involving the suspected perpetrator.
- Policy (#P5324.12) allows compel interviews only "after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution."
- Policy (#P5324.12) requires that 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 agency 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." In speaking with the Institutional Investigator, it was noted the credibility was based on a preponderance of the evidence.
- Policy (#P5324.12) requires administrative investigations to consider whether staff actions or failures to act contributed to the sexual abuse and sexual harassment. All administrative investigations are documented in written reports. As a function on that documentation, these reports should include a description of the physical evidence and testimonial evidence, the reasoning behind credible assessments, as well as investigative facts and findings. A review of ten investigatory files conducted by USP Marion Investigative Staff provided detailed written reports of both the allegations and the subsequent investigation.
- Policy (#P5324.12) requires that all investigations are documented in written reports. As a function on that documentation, these reports should include a description of the physical evidence, testimonial evidence, and documentary evidence. A review of ten files conducted by USP Marion Investigative Staff provided detailed written reports of both the allegations and the subsequent investigation.
- As noted by the Institutional Investigator and required by policy (#P5324.12), all substantiated allegations of conduct that appear to be criminal are referred for prosecution. During the audit time frame, the USP Marion did not refer any cases for criminal prosecution.
- Policy (#P5324.12) requires that "the agency shall retain all written reports referenced in

paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.”

- Policy (#P5324.12) mandates that “the departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.”
- The auditor is not required to audit this provision.
- Policy (#P5324.12) requires that “when outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.”

#### Reasoning & Findings Statement:

The BOP conducts its own administrative investigations via agency staff. To perform administrative investigations, BOP investigative staff must have met additional training requirements for conducting sexual abuse/sexual harassment investigations within a confinement setting. The Federal Bureau of Investigation (FBI), which is a separate and independent component of the Department of Justice, has jurisdiction to investigate all criminal allegations within the BOP, to include all criminal allegations of sexual abuse. As such, FBI staff have the authority to collect evidence, as well as interview victims, suspected perpetrators, and witnesses. FBI officers have been trained on the standards of evidence required to support a finding of guilt in criminal cases. As well, FBI officers have been trained on due process and procedural requirements of criminal cases. As confirmed through interviews with BOP staff, FBI agents and BOP staff work collaboratively under a memorandum of understanding to facilitate communication between these two distinctly separate agencies. This considered, the BOP, and by extension, the USP Marion, has met the requirements of this provision.

### 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.*

Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

Interviews:

- PREA Compliance Manager
- Facility Warden
- Investigative Staff

Site Review Observations:

- Review of ten PREA investigation case files

Standard Subsections:

- Policy (#P5324.12) requires that “the agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.” Policy (#P5324.12) clearly establishes the standard of proof required to substantiate claims of sexual abuse and sexual harassment. Specifically, the allegations are determined substantiated, unsubstantiated, or unfounded based on the preponderance of the evidence. For substantiated claims, this simply means that the weight of the evidence must indicate that the allegations are more likely to be true than not true. In speaking with Investigative Staff, agency policy regarding required standards of evidentiary proof, which is merely a preponderance of the evidence, was clearly explained.

Reasoning & Findings Statement:

Agency policy requires that the BOP establish a standard of proof no higher than a preponderance of evidence when determining whether allegations of sexual abuse or sexual harassment are substantiated. When interviewed, the USP Marion Investigative Staff confirmed that standard of proof to be slightly more than half. An onsite review of ten facility based PREA investigation case files, which included both unsubstantiated and unfounded dispositions, reflected the standard of proof used to provide disposition on allegations of sexual abuse or sexual harassment was merely a preponderance of evidence. As such, the USP Marion has satisfied all material provisions of this standard.

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

### 115.73 (d)

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

### 115.73 (e)

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

### 115.73 (f)

- Auditor is not required to audit this provision.



## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

*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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum No Inmate Indictments or Notifications, 9-22-21
- MAR PREA Compliance Manager Tracking Form
- MAR Memorandum for Inmate Notification of Investigation Outcome Form
- MAR Memorandum for Inmate Notification of Indictment Form
- MAR Memorandum for Inmate Notification of Criminal Charges Form
- MAR Memorandum of PREA Allegations Within the Past Year, 9-22-21

### Interviews:

- PREA Compliance Manager
- Facility Warden
- Designated Staff Member Charged with Monitoring Retaliation
- Investigative Staff
- Offenders Who Reported Sexual Abuse

### Site Review Observations:

- Review of ten PREA investigation case files

### Standard Subsections:

- Policy (#P5324.12) requires that “the agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated .... Following an investigation into an inmate’s allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.”

- Policy (#P5324.12) further requires that “If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.”
- Policy (#P5324.12) requires that when an offender has filed allegations of sexual abuse against a staff member (unless unfounded), the institutional investigator shall inform the inmate upon the following:
  - The staff member is no longer posted within the inmate’s unit;
  - The staff member is no longer employed at the facility;
  - The institution learns that the staff member has been indicted on a charge related to sexual abuse within the institution;
  - The institution learns that the staff member has been convicted on a charge related to sexual abuse within the institution.
- Policy (#P5324.12) requires that when an offender has filed allegations of sexual abuse against another offender, the agency must notify the alleged victim whenever the alleged abuser has been:
  - Indicted on a charge related to sexual abuse within the facility and
  - Whenever the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- Policy (#P5324.12) requires that “all such notifications or attempted notifications shall be documented.”
- Auditor is not required to audit this provision.

Reasoning & Findings Statement:

Agency policy requires BOP staff to provide inmates with dispositions for all claims of sexual abuse and sexual harassment. The BOP conducts all administrative sexual abuse/sexual harassment investigations. While all criminal sexual abuse and/or sexual harassment claims are addressed by the FBI, agency staff do remain actively engaged in those investigations. Agency policy provides that all inmates who have filed a previous sexual abuse and sexual harassment claim against agency staff or other offenders, should receive notification upon a change in housing status for the alleged abuser or a change in job status for the employee. Lastly, policy requires these notifications to be documented. Within the audit time frame, USP Marion staff have provided notifications on twelve investigations, with the remaining three investigations still currently under investigation. Notifications to USP Marion inmates are required to be documented, with the notified inmates signing to acknowledge their receipt of said notifications. Documentation reflecting proper notifications was reviewed and found to be in compliance with agency policy. As such, the USP Marion is operating in accordance with all parts of this provision.

# 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P3420.11, Standards of Employee Conduct, 12-6-13
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum of No Staff Involved PREA Violations, 9-22-21

#### Interviews:

- PREA Compliance Manager
- Facility Warden
- Investigative Staff
- Administrative (Human Resources) Staff
- Random Staff

#### Site Review Observations:

- Review of ten PREA investigation case files

#### Standard Subsections:

- Policy (#P3420.11, #P5324.12) clearly advises staff that all employees shall be subject to disciplinary sanctions up to and including termination for violating BOP sexual misconduct policies. Interviews with the USP Marion Warden, USP Marion Human Resource Staff, USP Marion PREA Compliance Manager, and the USP Marion Institutional Investigator confirm facility adherence to agency policy specific to employee disciplinary and termination processes for any employee found to be engaging in acts of sexual abuse or sexual harassment.
- Policy (#P3420.11, #P5324.12) continues by noting that any perpetrator of a sexual abuse or sexual harassment will be dealt with through discipline or prosecution to the fullest extent permitted by law. In this, termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse of inmates.
- Policy (#P3420.11, #P5324.12) stipulates disciplinary sanctions for violations of agency 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. Again, interviews with the USP Marion Warden, USP Marion Human Resource Staff, USP Marion PREA Compliance Manager, and USP Marion Investigator Staff confirm the facility's adherence to agency policy specific to employee disciplinary and termination processes for any employee found to be engaging in acts of sexual abuse or sexual harassment. According to the USP Marion Warden, within the audit time frame, there haven't been any employees assigned to the USP Marion who have engaged in any acts of sexual abuse or sexual harassment.
- Policy (#P5324.12) notes that "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, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies." According to the USP Marion Warden, within

the audit time frame, the USP Marion has not had any staff who have been disciplined, short of termination, for any violation of agency sexual abuse or sexual harassment policies.

#### Reasoning & Findings Statement:

This standard works to ensure agency staff understand the gravity and the criminal nature of having sexual relations with incarcerated persons. The Federal Bureau of Prisons has made the consequences of engaging in such behavior exceptionally clear. Within the audited time frame, there haven't been any staff members assigned to the USP Marion who have violated agency sexual abuse or sexual harassment policies. As such, no staff have been terminated, disciplined, or reported to law enforcement agencies. During staff interviews, all staff expressed their knowledge of the agency's zero tolerance policy. As such, the USP Marion has satisfied the provisions of this standard.

## 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P3420.11, Standards of Employee Conduct, 12-6-13
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum No Contractor/Volunteer Involved PREA Violations, 9-22-21

#### Interviews:

- Agency Contract Administrator
- Facility Warden
- Investigative Staff
- Administrative (Human Resources) Staff
- Contractors Who May Have Contact with Offenders

#### Site Review Observations:

- Review contractor/volunteer files

#### Standard Subsections:

- Policy (#P3420.11) advises contractors and volunteers that no person shall “allow themselves to show partiality toward, or become emotionally, physically, or financially involved with inmates, former inmates, or persons known (or who should have been known based on circumstances) to the employee as a family member or close friend of inmates or former inmates.” Policy (#P5324.12) further notes that “any contractor 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.” Review of USP Marion contractor/volunteer training documentation, as well as interviews with contracted staff, evidenced that the agency’s zero-tolerance policy was institutionalized.
- Policy (#P5324.12) states that “the facility shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.” Review of USP Marion contractor/volunteer training documentation, as well as interviews with contracted staff, evidenced that the agency’s zero-tolerance policy was institutionalized.

#### Reasoning & Findings Statement:

Agency policy expressly states that contractors and volunteers who engage in sexual abuse with inmates will be removed from contact with inmates pending the outcome of the investigation. Contractors or volunteers who engage in sexual abuse will be reported to law enforcement and to any relevant licensing body. These persons will also be subject to criminal sanctions. Within the audit time frame, the USP Marion has not had any contractors or volunteers engage in sexual abuse or harassment of any inmate. Documentation of contractor and volunteer training records reflect that all contractors and volunteers are provided training appropriate to their level of contact with inmates. As a result of the COVID pandemic, there weren’t any volunteers present on the facility during the onsite portion of the audit. However, during USP Marion contractor interviews, both the prohibition against sexual abuse and sexual

harassment of inmates, as well as the consequences of having engaged such, were clearly known. Hence, the provisions of this standard have been met and USP Marion is in compliance with such.

## 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)

- If the agency prohibits all sexual activity between inmates, 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P3420.11, Standards of Employee Conduct, 12-6-13
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum No Staff Disciplinary Actions, 9-22-21

### Interviews:

- PREA Compliance Manager
- Facility Warden
- Investigative Staff
- Medical Staff
- Mental Health Staff
- Random Staff
- Random Offenders

### Site Review Observations:

- Review of ten PREA investigation case files

### Standard Subsections:

- Policy (#P3420.11) provides the standards associated with all disciplinary hearings, to include hearings related to inmate-on-inmate sexual abuse/sexual harassment. Policy (#P5324.12, #P5324.12) further notes that following an administrative finding that an offender engaged in inmate-on-inmate sexual abuse, said offender is subject to disciplinary sanctions pursuant to formal disciplinary processes. During the audit time frame, the USP Marion did not have any administrative findings of inmate-on-inmate sexual harassment and no criminal findings of inmate-on-inmate sexual abuse.
- Policy (#P3420.11, #P5324.12) requires that disciplinary sanctions imposed are 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. As well, sanctions consider aggravating and mitigating factors.

- When determining an offender's disciplinary sanctions, policy (#P3420.11, #P5324.12) does consider how an offender's mental disabilities or mental illness contributed to his behavior.
- Per policy (#P5324.12), "all inmates found guilty of sexual abuse shall be given appropriate programming and interventions if determined to be necessary by mental health services in consultation with sex offender services."
- Per policy (#P5324.12), the agency may discipline an inmate for sexual contact and/or sexual conduct with staff only upon finding that the staff member did not consent to such contact or conduct.
- Per policy (#P5324.12), a report made in good faith based upon a reasonable belief that the alleged conduct did occur does not constitute falsely reporting an incident or lying for the purpose of disciplinary action, even if the investigation does not establish evidence sufficient to substantiate the allegations.
- Per policy (#P3420.11, #P5324.12), the agency clearly distinguishes between consensual sex, which is still a violation of agency policy, and inmate-on-inmate sexual abuse, which is defined as when one or more offenders engage in sexual conduct, including sexual contact, with another offender against his (or her) will or by use of force, threats, intimidation, or other coercive actions.

#### Reasoning & Findings Statement:

The inmate disciplinary process is a formal means to address institutional misconduct. The USP Marion uses a progressive disciplinary system, which allows for consideration of aggravating and mitigating factors. Within the audit time frame, the USP Marion did not process any disciplinary infractions for inmate-on-inmate sexual harassment and no criminal findings of guilt regarding inmate-on-inmate sexual abuse that occurred at the facility. Nonetheless, in considering agency policies, facility procedures, staff interviews, and offender interviews, USP Marion is compliant with disciplinary standards as required under this provision.

## 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

*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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P6031.04, Patient Care, 6-4-14
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum No Reporting of Prior Noninstitutional Sexual Victimization, 9-22-21

- MAR Memorandum Limits of Institutional Access to Sexual Victimization/Abusiveness Information, 9-22-21
- MAR Memorandum Mental Health Provided for Identified Abusers, 9-22-21

#### Interviews:

- PREA Compliance Manager
- Intake Staff
- Medical Staff
- Mental Health Staff
- Staff Who Perform Screening for Risk of Victimization and Abusiveness
- Offenders Who Reported Sexual Victimization During Risk Screening

#### Site Review Observations:

- Observed Medical Department
- Observed Mental Health Department
- Observed Medical Records Storage
- Review of Medical/Mental Health PREA Screening Forms

#### Standard Subsections:

- Policy (#P5324.12) requires that within 72 hours of arrival, all USP Marion inmates will be screened for sexual abuse risk factors. If the assessment indicates that the inmate has had prior sexual victimization, whether it occurred in an institutional setting or in the community, staff will offer a follow-up meeting with a mental health or medical practitioner within 14 days of the intake screening. Within the audit time frame, 100% of offenders received at the USP Marion who disclosed prior victimization during their initial risk screening were offered a follow-up meeting with a medical or mental health practitioner. A review of both medical and mental health referrals, as well as conversations with medical and mental health staff, along with inmates who reported prior sexual victimization, confirms the institutionalization of this practice.
- Per policy (#P5324.12), persons with a history of being sexually abusive must also be referred for mental health services within 14 days of the intake screening. In speaking with Mental Health staff, it is noted that the nature of the referral is in accordance with the individualized needs of each inmate. Within the audit time frame, 100% of inmates received at the USP Marion who had previously perpetrated sexual abuse, as indicated during the screening, were offered a follow-up meeting with a mental health practitioner. A review of both medical and mental health referrals, as well as conversations with medical and mental health staff, confirms the institutionalization of this practice.
- Per policy (#P5324.12), regular mental health referrals are addressed within a time frame consistent with the nature of the referral and within 14 days of the intake screening.
- Per policy (#P5324.12) and in accordance with the Prison Rape Elimination Act (PREA) Standards, 28 C.F.R. 115.81, any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, as well as security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local laws. As noted by medical and mental health staff

during the interview process, medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

- Per policy (#P5324.12) and in accordance with the Prison Rape Elimination Act (PREA) Standards, 28 C.F.R. §115.81, any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans, as well as security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local laws. As noted by medical and mental health staff during the interview process, medical and mental health practitioners shall 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 years or considered a vulnerable adult. In speaking with medical/mental health staff, adherence to this policy was confirmed.

#### Reasoning & Findings Statement:

Within the audit time frame, 100% of inmates who had disclosed prior victimization during risk screening were offered a follow-up meeting with a medical or mental health practitioner. Within the audit time frame, 100% of offenders who had previously perpetrated sexual abuse as indicated during risk screening were offered a follow-up meeting with a medical or mental health practitioner. As noted by medical/mental health staff, as well as affected inmates, the USP Marion is providing routine and regular medical screens and other health services in accordance to qualified medical assessments, as well as to policy. Documentation specific to the PREA Intake Objective Screening Instrument for medical and mental health staff reflects the appropriate use of the screening tool to determine appropriate housing and medical needs. As such, the facility is meeting all provisions as established within this standard.

### **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

*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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P6031.04, Patient Care, 6-4-14
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Memorandum Medical/Mental Health Documentation, 9-22-21

#### Interviews:

- PREA Compliance Manager
- Medical Staff
- Mental Health Staff
- SANE/SAFE Staff
- Custody Staff and/or Non-Custody Staff Who Have Acted as First Responders
- Random Staff
- Offenders Who Reported Sexual Abuse

#### Site Review Observations:

- Observed Medical Department
- Observed Mental Health Department

- Review of Medical/Mental Health Screening Form
- Reviewed six MAR Medical Files/Documents Related to Emergency Medical and Mental Health Services

Standard Subsections:

- In accordance with policy (#P5324.12), “inmate victims of sexual abuse shall 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.” In interviewing medical and mental health staff, said staff confirmed the ability to treat inmates in accordance to their professional medical judgment.
- Policy (#P5324.12) requires that if there isn’t any qualified medical or mental health staff on duty when a sexual abuse report is filed, then custody staff will need to “take preliminary steps to protect the victim pursuant to section 115.62 and shall immediately notify the appropriate medical and mental health practitioners.” During interviews with first responders, as well as random custody staff, all personnel recognized with immediacy the need to notify medical and mental health staff of any sexual abuse allegations.
- Policy (#P5324.12) requires that inmates are offered timely and appropriate prophylactic information, as well as emergency contraception, if appropriate. In speaking with medical staff, adherence to this policy was confirmed. Inmates who had previously made allegations of sexual abuse also confirmed that they had received medical or mental health treatment, as appropriate, in a timely manner.
- Policy (#P5324.12) requires that “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.” In speaking with medical and mental health staff, adherence to this policy was confirmed. Additionally, inmates who had previously received medical treatment for allegations of sexual abuse also confirmed that they were not charged a medical fee for said services. Inmates who had previously received mental health services for allegations of sexual abuse further indicated that they were not charged a fee for these services.

Reasoning & Findings Statement:

This standard is designed to provide inmates access to emergency medical and mental health services. In this, facility staff are meeting all of the provisions within this standard. Policy (#P5324.12) allows that upon receipt of an inmate into the Medical Department, medical staff shall determine the inmate’s course of treatment; specifically, what is medically indicated on the basis of evidence collection or physical trauma. Inmate interviews further acknowledge that inmates are provided appropriate medical/mental health treatment. Lastly, documentation reflecting access to medical and mental health care was reviewed. In reviewing the totality of the information provided, the USP Marion has clearly met the minimums provisions of this standard. It has also exceeded the minimum requirements of this standard via 24-hour facility-based access to qualified medical/mental health staff. In this, the sheer volume of medical and mental health services available to inmates, as well as the coordinated efforts between medical and mental health services, is impressive. Clearly, providing coordinated medical care, as well as improving the overall mental health of inmates, has been given great priority within the BOP, and by extension, at this facility.

## 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. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*)  Yes  No  NA

### 115.83 (e)

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

### 115.83 (f)

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

### 115.83 (g)

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

### 115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment

when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)

Yes  No  NA

### **Auditor Overall Compliance Determination**

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

### **Instructions for Overall Compliance Determination Narrative**

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

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Program Statement #P6031.04, Patient Care, 6-4-14
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- PREA Compliance Manager
- Medical Staff
- Mental Health Staff
- Offenders Who Reported Sexual Abuse
- Random Inmates

#### Site Review Observations:

- Observed Medical Department
- Observed Mental Health Department
- Review of Medical/Mental Health PREA Screening Form

#### Standard Subsections:

- Policy (#P5324.12, #MAR-5324.12B) requires that all allegations of sexual assault must be evaluated immediately by facility medical and mental health staff. In speaking with medical and mental health staff, adherence to this policy was confirmed. In speaking with random staff, as well as inmates, there weren't any instances where any staff or inmates indicated that the medical or mental health departments had ever, or would ever, refuse to provide medical/mental health treatment to any inmate who claimed to have been a victim of sexual abuse. In speaking with inmates who were receiving mental health treatment services at the time of facility transfer within the BOP, they confirmed that upon said transfer, they were automatically placed on the



mental health rosters of their newly assigned facility. For other inmates who requested to utilize mental health services after transfer, they were subsequently scheduled to speak with medical health staff.

- Policy (#P5324.12, #MAR-5324.12B) requires that mental health services are offered to both victims of sexual assault and the abusers. Per policy (#P5324.12) “the evaluation and treatment of such victims shall 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.” In interviewing inmates who had previously alleged sexual abuse or sexual harassment, it was noted that medical services were offered to inmate appropriately in accordance to their allegations. As well, all inmates stated they were provided the opportunity to speak with staff from mental health services.
- Policy (#P5324.12) requires that all victims of sexual abuse shall 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. If not referred to an outside hospital emergency department, the inmate is treated in the facility infirmary after evaluation by a primary care provider. In either instance, medical and mental health services are provided in accordance to the judgment of qualified health care providers. During interviews with medical and mental health staff, it was noted that inmates routinely receive services consistent with the community level of a care. As well, the agency’s coordinated medical and mental health care far exceeds the level of dedicated trauma car that one would expect to receive in the community.
- In speaking with medical staff, it was noted that if deemed medically appropriate, inmate victims of sexually abusive vaginal penetration while incarcerated would be offered pregnancy tests.
- If pregnancy were to result from a sexual assault, policy (#P5324.12) does require that these victims receive “timely and comprehensive information about all lawful pregnancy-related medical services.” In speaking with medical staff, it was noted that said information would be provided to inmate victims of sexually abusive vaginal penetration.
- Policy (#P5324.12) requires that all victims of sexual assault are to be provided tests for sexually transmitted diseases as medically appropriate. In speaking with medical staff, departmental adherence to this policy was confirmed.
- Policy (#P5324.12) requires that inmates are not charged for medical and mental health services received as a consequence of sexual assault. In fact, 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. In speaking with medical staff, adherence to this policy was confirmed. As well, when speaking to inmates who had previously utilized medical or mental health services because of sexual assault or sexual harassment, said inmates noted that there had not been a charge for such services.
- Policy (#P5324.12) requires that “all prisons shall 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.” In speaking with mental health staff, it was noted that while agency policy allows for 60 days to evaluate abusers, to help ensure the safekeeping of all inmates, known abusers are generally evaluated at a much faster rate.

## Reasoning & Findings Statement:

This standard is designed to ensure ongoing medical and mental health care for sexual abuse victims and abusers. The BOP, and by extension the USP Marion, offers qualified and coordinated medical and mental health care regardless of an inmate's ability to pay for said services. As appropriate, inmates are provided the opportunity to attend follow-up treatments, for both medical and mental health services. Once established, access to said treatment follows the inmate throughout the BOP system and can be coordinated with community care upon the inmate's release from the BOP. The medical and mental health services provided are consistent with the community level of care. Additionally, because this level of care is coordinated to ensure that inmates receive every aspect of sexual abuse treatment, addressing both medical and mental health needs on a regular and timely basis, without regard to cost, the opportunity for treatment received in the institutional setting far exceeds that of individuals receiving similar treatments within the community. Accordingly, the USP Marion Medical and Mental Health Department has collectively exceeded the provisions of this standard.

## 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 Acting 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20
- MAR Inmate Investigative Report, 4-22-21, 8-12-21, 8-25-21, 11-5-21
- MAR Institution Executive Staff Review, 5-14-21, 8-30-21, 11-10-21
- MAR Memorandum No Recommendations for Improvements, 9-22-21

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Incident Review Team Member(s)

#### Site Review Observations:

- Reviewed ten PREA Investigations, including Subsequent Incident Reviews

## Standard Subsections:

- Policy (#P5324.12) states that “the facility shall 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.” During the audit time frame, the USP Marion had 14 investigations of alleged sexual abuse and sexual harassment filed at the facility. Of those, 11 have been completed, with three investigations still pending. Of the 11 completed investigations, six were unsubstantiated and five were unfounded. The USP Marion conducted sexual incident reviews on all six unsubstantiated allegations. Documentation associated with the sexual incident reviews were examined to ensure completion within the required time frame. As well, in speaking with the USP Marion PREA Compliance Manager and USP Marion Investigative Staff, each person explained their role within the Incident Review Team process.
- Policy (#P5324.12) requires the Incident Review Team to complete the review process within 30 calendar days of the incident. Incident Review Team members did affirm, and documentation did corroborate, that incident reviews do occur within 30 calendar days of the incident.
- Policy (#P5324.12) requires that, at a minimum, the incident “review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.”
- Policy (#P5324.123) requires that the incident review team considers:
  - Whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - Whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused other group dynamics at the facility;
  - Whether the area in the facility where the incident allegedly occurred contains physical barriers in the area may enable abuse;
  - The adequacy of staffing levels in that area during different shifts; and
  - Whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- Concluding the Incident Review Team Meeting, policy (#P5324.12) requires a designated team member to prepare a brief report noting any team findings or recommendations for the future. Afterward, per policy (#P5324.12), “the facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.”

## Reasoning & Findings Statement:

Within the audit time frame, USP Marion had completed 11 sexual abuse and sexual harassment investigations. Of those, six were unsubstantiated. As such, there were six corresponding sexual incident reviews. Documentation relative to these reviews was examined to ensure that the Incident Review Team consisted of the appropriate committee members, that due considerations were given to the factors noted within Section D of the current standard, an incident review report was completed with appropriate subsequent action taken, and that these reviews were generally conducted within 30 days of the incident. In speaking with the USP Marion PREA Compliance Manager and USP Marion Investigative Staff, each person explained their role within the incident review process. Given the

totality of the information reviewed, policies, documented evidence, as well as staff interviews, it is apparent that the USP Marion has maintained compliance with each of the aforementioned provisions and is thus in compliance with the entire standard.

## 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.*

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Federal Bureau of Prisons Annual PREA Report, 2013
- Federal Bureau of Prisons Annual PREA Report, 2014
- Federal Bureau of Prisons Annual PREA Report, 2015
- Federal Bureau of Prisons Annual PREA Report, 2016
- Federal Bureau of Prisons Annual PREA Report, 2017
- Federal Bureau of Prisons Annual PREA Report, 2018
- Federal Bureau of Prisons Annual PREA Report, 2019
- Federal Bureau of Prisons Annual PREA Report, 2020
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden

### Site Review Observations:

- Extensive review of agency website/PREA section

### Standard Subsections:

- Policy (#P5324.12) provides all staff within the BOP a standardized set of definitions specific to sexual abuse/sexual harassment allegations. Policy (#P5324.12) further mandates that “the agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.” In speaking with USP Marion Investigative Staff, adherence to this provision was confirmed.
- Policy (#P5324.12) further requires that “the agency shall aggregate the incident-based sexual abuse data at least annually.” In speaking with USP Marion Investigative Staff, adherence to this provision was confirmed.
- Policy (#P5324.12) requires that the information 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.” In speaking with USP Marion Investigative Staff, adherence to this provision was confirmed.
- Policy (#P5324.12) requires that “the agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual

abuse incident reviews.” The USP Marion PREA Compliance Manager confirmed the agency’s overall adherence to this policy.

- Policy (#P5324.12) mandates that the agency PREA coordinator/designee must ensure all aggregated sexual misconduct data received from private facilities with which it contracts is readily available to the public at least annually through the facility internet site. The BOP National PREA Coordinator confirmed the agency’s overall adherence to this provision. As well, this information is publicly available via the BOP website.
- Policy (#P5324.12) states “upon request, the agency shall provide all such (statistical PREA) data from the previous calendar year to the Department of Justice no later than June 30.” The BOP National PREA Coordinator confirmed the agency’s overall adherence to this provision.

#### Reasoning & Findings Statement:

This standard works to ensure that specific data relative to promoting sexual safety within the correctional institution is collected on a monthly basis. The data is then aggregated and made available for public review on an annual basis. The USP Marion has complied with the timely collection of said data and subsequently furnishes such to the appropriate entities as required. Hence, the USP Marion has met all provisional requirements and is in compliance with the overall requirements of this standard.

### 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- Federal Bureau of Prisons Annual PREA Report, 2013
- Federal Bureau of Prisons Annual PREA Report, 2014
- Federal Bureau of Prisons Annual PREA Report, 2015
- Federal Bureau of Prisons Annual PREA Report, 2016
- Federal Bureau of Prisons Annual PREA Report, 2017
- Federal Bureau of Prisons Annual PREA Report, 2018
- Federal Bureau of Prisons Annual PREA Report, 2019
- Federal Bureau of Prisons Annual PREA Report, 2020
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- Agency Head
- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden

#### Site Review Observations:

- Extensive review of agency website/PREA section

#### Standard Subsections:

- Policy (#P5324.12) requires the PREA Coordinator to prepare aggregated data relative to sexual



abuse and sexual harassment across all BOP facilities. Following which, the BOP then uses that data to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, as well as its related training programs. Specifically, the BOP works to identify problem areas, take corrective action on an ongoing basis, as well as prepares an annual report of its findings from the data review and any corrective actions for each facility, along with the agency as a whole. The PREA Coordinator confirmed adherence to this policy. As well, the BOP Annual PREA Report (2020) is available on the agency website.

- Policy (#P5324.12) requires that annual statistical reports “shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the agency’s progress in addressing sexual abuse.” The PREA Coordinator confirms adherence to this policy. As well, a review of the agency’s annual statistical reports demonstrates the progressive assessment of agency efforts to prevent, detect, and response to sexual abuse and sexual harassment.
- Policy (#P5324.12) requires that upon completion of each year’s Annual Report, “the agency’s report shall be 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.” A review of the BOP website reflects this data to be publicly available for citizen consumption.
- Policy (#P5324.12) requires that any information redacted from the report due to a clear and specific threat to the safety and security of the facility must indicate the reason for redaction.

#### Reasoning & Findings Statement:

This standard works to determine if agency, and by extension, facility staff use aggregated data to promote the overall safety and security of the facility. In speaking with the agency-wide PREA Coordinator, the USP Marion PREA Compliance Manager, and the USP Marion Warden, the manner in which staff utilized the data to improve overall institutional safety, based on their role within the agency, was explained. Accordingly, the BOP, and by extension, the USP Marion, has demonstrated clear compliance with each of the provisions, and as such, has reached the overall requirements of this standard.

## 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.*

#### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

#### Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden

#### Site Review Observations:

- Extensive review of agency website/PREA section

#### Standard Subsections:

- Policy (#P5324.12) requires all aggregated data to be securely retained. The PREA Coordinator confirms agency compliance with this directive. As well, review of the agency website reflects the collection of all annual aggregated reports previously published pursuant to §115.87.
- Policy (#P5324.12) requires all aggregated data to be publicly available, with new materials being added at least once annually. The PREA Coordinator confirms agency compliance with

this directive. As well, review of the agency website reflects the collection of all annual aggregated reports previously published pursuant to §115.87. This data is made readily available to the public through the BOP website.

- Policy (#P5324.12) requires that all personal identifiers must be removed from publicly available data, such as all annually produced statistical reports published on the agency's website.
- Policy (#P5324.12) requires all aggregated data to be retained for at least 10 years. The PREA Coordinator confirms agency compliance with this directive.

#### Reasoning & Findings Statement:

This standard works to ensure both public availability and agency integrity in the presentation of aggregated sexual abuse data. In reviewing agency documents and speaking with staff, it is more than apparent that both the BOP PREA Coordinator, as well as USP Marion Administration, operate with transparency in government. As such, the agency, and by extension, the facility has clearly obtained each provision, and thus, satisfactorily achieve overall compliance of this standard.

## AUDITING AND CORRECTIVE ACTION

### Standard 115.401: Frequency and scope of audits

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

#### 115.401 (a)

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

#### 115.401 (b)

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

#### 115.401 (h)

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

#### 115.401 (i)

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

#### 115.401 (m)

- Was the auditor permitted to conduct private interviews with 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.*

Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

Interviews:

- Agency PREA Coordinator
- PREA Compliance Manager
- Facility Warden
- Random Staff
- Random/Targeted Offenders

#### Site Review Observations:

- Onsite inspection of the entire facility
- Onsite inspection of facility documents
- Review of documentation available via the BOP PREA web page

#### Standard Subsections:

- As evidenced by the presence of facility audits on the BOP web page, and confirmed by the PREA Coordinator, PREA Audits have been completed at all BOP correctional facilities to provide for at least one-third of facilities operated by the BOP being audited during each audit year.
- This is the first year of the PREA 3-year cycle.
- The auditor had full access to all areas of the facility.
- All documents requested by the auditor were received in a timely manner.
- The auditor was permitted to conduct private interviews with inmates.
- Inmates were permitted to correspond with the auditor using privileged mail processes.

#### Reasoning & Findings Statement:

The USP Marion PREA Compliance Manager and other USP Marion staff were exceptionally prepared for this review. The auditor was provided the PAQ well in advance of arriving to the facility. The auditor was given unrestricted access to the institution and provided with all reference materials requested. The auditor was provided with a convenient location from which to interview both employees and staff in a confidential manner. Agency staff ensured that the flow of interview traffic was never restricted and that the auditor was able to attend all requested inmate functions throughout the facility as needed. The auditor did not experience any significant barriers, at any stage of the audit, that were under the control of either the agency or USP Marion staff. Accordingly, USP Marion has exceeded the provisions of this standard.

### Standard 115.403: Audit contents and findings

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

##### 115.403 (f)

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

## Auditor Overall Compliance Determination

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

## Instructions for Overall Compliance Determination Narrative

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

### Documents:

- Program Statement #P5324.12, Sexually Abusive Behavior Prevention and Intervention Program, 6-4-15
- MAR-5324.12B, Sexual Abusive Behavior Prevention and Intervention Program, 3-4-20

### Interviews:

- Agency PREA Coordinator

### Site Review Observations:

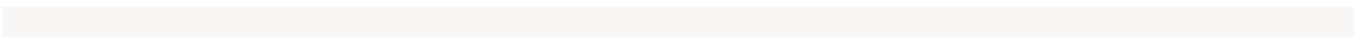
- Review of documentation available via the BOP PREA web page

### Standard Subsections:

- A review of the agency web page reflects that the BOP has published all final audit reports for prior audits completed during the last three years preceding this audit. The PREA Coordinator affirms that all facilities within the BOP have been audited, and their reports subsequently published, on the agency's web page.

### Reasoning & Findings Statement:

The function of this standard is to promote transparency in government by ensuring that all facility PREA audits for the previous three years are available for public review, by way of, for example, the agency's web page. In this case, the BOP does have an agency web page and has made all facility PREA reports conducted within the previous three years conveniently accessible to the public. As such, the agency, and by extension, the facility, has meet the provisions of this standard.



## 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.<sup>1</sup> Auditors are not permitted to submit audit reports that have been scanned.<sup>2</sup> See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Valerie Wolfe Mahfood

March 3, 2022

**Auditor Signature**

**Date**

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

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