

**PREA AUDIT REPORT     Interim    Final**  
**ADULT PRISONS & JAILS**

**Date of report:** June 16, 2017

<b>Auditor Information</b>			
<b>Auditor name:</b> Adam T. Barnett, Sr.			
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<b>Telephone number:</b> 706-550-7978			
<b>Date of facility visit:</b> May 9 – 10, 2017			
<b>Facility Information</b>			
<b>Facility name:</b> Marshall County Correctional Facility			
<b>Facility physical address:</b> 833 West Street Holly Springs, MS 38635			
<b>Facility mailing address:</b> <i>(if different from above)</i> Post Box 5188, Holly Spring MS 38634			
<b>Facility telephone number:</b> 662-252-7111			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Harold Taylor, Acting Warden			
<b>Number of staff assigned to the facility in the last 12 months:</b> 123			
<b>Designed facility capacity:</b> 1000			
<b>Current population of facility:</b> 998			
<b>Facility security levels/inmate custody levels:</b> Minimum Non Community, Medium , Close			
<b>Age range of the population:</b> 20 - 86			
<b>Name of PREA Compliance Manager:</b> Harold D. Taylor		<b>Title:</b> Deputy Warden of Programs	
<b>Email address:</b> Harold.taylor@mtctrains.com		<b>Telephone number:</b> 662-252-7111,ext. 119	
<b>Agency Information</b>			
<b>Name of agency:</b> Management & Training Corporation			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i> NA			
<b>Physical address:</b> 500 North Marketplace Drive, Centerville, UT 84014			
<b>Mailing address:</b> <i>(if different from above)</i> Post Office Box 10, Centerville, UT 84014			
<b>Telephone number:</b> 801-693-2600			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> Scott Marquardt		<b>Title:</b> President & CEO	
<b>Email address:</b> scott.marquardt@mtctrains.com		<b>Telephone number:</b> 801-693-2800	
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Mark Lee		<b>Title:</b> Sr. Director, Management & Operations and MTC PREA Coordinator	
<b>Email address:</b> mark.lee@mtctrains.com		<b>Telephone number:</b> 801-693-2864	

## **AUDIT FINDINGS**

### **NARRATIVE**

#### **Methodology**

The PREA audit of the Marshall County Correctional Facility (MCCF), a facility operated by the Management and Training Corporation (MTC) for the Mississippi Department of Corrections, was conducted on May 9 -10, 2017. The facility posted the required PREA audit notice of the upcoming audit sixty days prior to the audit for confidential communications. As of May 7, 2017, there were no communications from inmates or staff. The Pre-Audit Questionnaire was completed by the facility and sent to the auditor as required. The PREA Compliance Manager confirmed that all information on the Pre-Audit Questionnaire was accurate.

The audit process was a team approach. The Audit Team completed a Pre-Audit Review using the Pre-Audit Questionnaire, internet search, policies and procedures review, and additional documentation provided on the flash drive. The results of the Pre Audit Review were shared with the facility prior to and at the site visit. Phone conversations were conducted and emails were exchanged with the facility.

The Audit Team consists of Adam T. Barnett, Sr., Certified Juvenile and Adult PREA Auditor (Lead Auditor) and Latera Davis (Associate). Mrs. Davis currently works as the Director of Victim and Volunteer Services for the Georgia Department of Juvenile Justice. She is a Licensed Clinical Social Worker, Certified Child Forensic Interviewer, Certified Victim Advocate, Certified Juvenile Sex Offender Counselor, and POST Instructor Trainer, as well as a Certified Peer Grant Reviewer for the Department of Justice Programs.

On Tuesday, May 9, 2017 the entrance conference was held and attended by:

- Acting Warden/Facility PREA Compliance Manager
- MTC Agency PREA Coordinator/Director, Corrections / Corporate
- Adam Barnett, Lead PREA Auditor
- Latera Davis, Associate
- Twenty-eight (28) staff members

Welcomes were given by the Acting Warden/Facility PREA Compliance and Agency PREA Coordinator with some facility staff being introduced. The Lead Auditor and PREA Associate were introduced and the PREA Audit Agenda was reviewed and released. Additional pre-audit information requested weeks prior to on-site visit obtained.

#### **Site Tour**

On the first day of the audit after the entrance conference, the lead PREA Auditor and PREA Associate toured the physical plant escorted by the Acting Warden/Facility PREA Compliance Manager, and Agency PREA Coordinator. The Auditor spoke informally with 11 staff and 38 inmates during the tour which covered housing and common areas of the facility, day areas, programming areas, and shower and toilet areas. The Auditor noted video camera placement throughout the facility and reviewed the video monitoring setup in the control room areas. Notices of the PREA audit were posted throughout the facility as required by the Auditor.

During the tour of the physical plant, the Auditor observed the location of cameras, staff supervision of inmates, dorm layout including sleeping areas and shower/toilet areas, placement of posters and PREA informational resources, security monitoring, inmate's movement procedures, and inmate's interaction with staff. The Auditor noted that shower and toilet areas allow inmates to shower ensuring their privacy from staff direct viewing. It is practice when inmates use the community showers, that they shower in their boxers and dress behind the shower curtains. The Auditor was provided unimpeded access to all parts of the facility and all secure rooms and storage areas in the facility.

The laundry room had cameras and no blind spots. The dining room had PREA information to include PREA posters. Cameras were located in the kitchen. Cameras were located in the Administration area; one trustee inmate was allowed to work in the PREA Audit Report

Administration area. Medical had cameras and PREA information. The Segregation Unit had a removable phone for inmates with PREA information posted on the phone. The gym and the recreation yard had cameras and inmates were well during the tour.

The Audit Work Plan was discussed, random samples of inmates and staff were selected, and specialized staff was identified. Agency and facility staff selected for interviews included:

- Agency Head (Phone Interview was conducted with MTC President prior to site visit)
- Agency PREA Coordinator (Phone Interview was conducted with MTC Coordinator prior to site visit); however, he was on site for the audit.
- Acting Warden/Facility PREA Compliance Manager
- MDOC - Contract Monitor
- Higher Level Facility Staff (PREA Unannounced Rounds)
- Lead Medical Staff
- Lead Mental Health Staff
- Human Resources Administrator
- Volunteer
- Contractor
- Facility Investigator
- Staff Conduct PREA Screenings
- Staff Supervise Inmate Segregated Housing
- Incident Review Member
- Staff Monitoring Retaliation
- First Responder (Non-Security Staff)
- First Responder (Security)
- Intake Staff
- Random Correctional Offices 1<sup>st</sup> Shift = 4
- Random Correctional Offices 2<sup>nd</sup> Shift = 7
- Random Correctional Offices 3<sup>rd</sup> Shift = 4
- Random Staff Met/PREA During Facility Tour = 11

One Hundred Fifty-Two (152) staff members were employed at the facility as of the May 9, 2017. Thirty (30) staff members were formally interviewed; the Auditor interacted with eleven (11) staff members during the facility tour, and twenty-eight (28) staff interacted with in the entrance conference for total of sixty-nine (69) staff members.

### **Sampling Interviews and Inmates Contact**

- Inmate Interviews (Random)-20 (one inmate randomly selected from each housing pod)
- Disabled - 1
- Limited English Proficient Inmates - 0
- Transgender - 0
- Intersex Inmates - 0
- Inmates in Segregated Housing - 0
- Inmates who Reported Sexual Abuse - 1
- Inmates who Disclosed Prior Sexual Victimization - 1
- Gay or Bi-Sexual - 1
- Inmates Interacted with during Facility Tour = 12

On May 9, 2017 inmate census reported the population count and the total bed capacity is 1000. The average length of an inmate's stay during the audit period was 2 years and 60 days. The age range of the population is 20 – 86. Twenty-four (24) inmates were interviewed. The auditor interacted with twelve (12) inmates during the facility tour for a total of thirty-six (36).

## **DESCRIPTION OF FACILITY CHARACTERISTICS**

It is the mission of Management Training Corporation (MTC) to:

Be a leader by: implementation of our plan to achieve high performances standards and goals; maintain a foundation based on integrity, accountability, and excellence; Providing long-term growth and stability while ensuring fiscal responsibility; creating opportunities through a positive environment for personal growth and development; empowering employees to implement innovative ideas for continuous improvement; Building esteem and pride by celebrating our diversity and accomplishments.

The Mississippi Department of Corrections (MDOC) to:

“Provide and promote public safety through efficient and effective offender custody, care control and treatment consistent with sound correctional principles and constitutional standards”.

The Marshall County Correctional Facility mission is to:

“Within three years Marshall County Correctional Facility is committed to being a leader in the field of corrections. This will be accomplished through the recruitment and retention of quality employees, developing a culture that is based upon teamwork, empowering employees to be innovative and creating a positive environment for employees and offenders, employee dedication to practicing sound correctional techniques, and by providing a wide variety of meaningful program/training opportunities for the enhancement of offender and employee skill development.”

The interviewed inmates and staff indicated that the Marshall County Correctional Facility was a safe place to serve time and to work. There were no complaints from the inmates’ population or the facility staff.

### **Facility Accreditations**

The facility has reported the following accreditations:

1. The facility has been accredited by the American Correctional Association (ACA).

### **Facility Background**

The Marshall County Correctional Facility is a medium security facility located in Holly Springs, Mississippi; it is approximately 34 miles south/east of Memphis, Tennessee. The facility opened in June of 1996 with a rated capacity of 1000. The facility is located on 42 acres of land, 17 acres under fence.

### **Physical Plant**

The facility provides 1000 beds for male inmates. The inmates are housed in six (6) buildings, which are divided into 17 groupings of dormitories, pods, and cell block structures. Three 260 dormitory bed units (A, B, and C) are further divided into 65 man pods which allows for direct line-of-sight observation. A cell block unit (Unit D) provides 100 double cells and 25 single cells. The single cells house Administrative Segregation inmates.

Each living unit provides basic furnishings, shower facilities, and common TV areas. All showers and commodes have panels, PREA “friendly” shower curtains and screens to enhance privacy.

The ancillary support structure provides spaces for administration, central control, visiting, food service, education, medical, commissary, maintenance, laundry, recreation, and religion/chapel. The recreation yard is attached to the detention areas.

### **Security Supervision**

The Correctional Officers provide security supervision. The security perimeter consists of two wire fences with multiple rolls

of razor ribbon wire. One armed vehicle patrols the perimeter 24/7. A Control Center monitors all traffic entering and exiting the facility. Numerous cameras control the perimeter and are placed throughout the facility to monitor security and to open doors. The facility has two entry points, the front staff and visitor entrance and the rear wire gate for vehicles.

### **Facility Demographics**

- The facility's rated capacity = 1000
- Actual population on the first day of the onsite audit = 999
- Number of Males Housed = 999
- Number of Females Housed = 0
- Number of Youthful Inmates Housed = 0
- Custody/Security Level in the facility = minimum/medium/close
- General Medical Services = On-site
- Mental Health Services = On-site
- Investigation = On-site

### **Programming Options**

The Educational Programs include Adult Basic Education (ABE) and General Educational Development (GED). Vocational programs include Culinary Arts, Computer Lab, and Horticulture. Self-Improvement programs include Life Skills, Discipleship, Moral Reconciliation Therapy (MRT), and Substance Abuse Education, Cage Your Rage, Bible Study, Health and Wellness, Prison Fellowship, Barber School, Dad's Day Program, Workforce Readiness, Music Appreciation, Inside Out Dad, Individual Counseling, Restorative Justice and TED Talks.

## SUMMARY OF AUDIT FINDINGS

The Auditor conducted an exit conference with the agency and facility officials on Wednesday, May 10, 2017. Agency, facility officials and staff were very open and receptive to an honest discussion of areas where PREA compliance needs to be strengthened and the facility PREA Compliance Manager began corrective action on each provision immediately. Present at the exit conference:

- Acting Warden/Facility PREA Compliance Manager
- MTC Agency PREA Coordinator
- Adam Barnett, Lead PREA Auditor
- Twenty-eight (28 plus) staff members

The following are concerns shared with the facility:

- 115.13 Unannounced rounds and staff not feelings safe
- 115.15 Training on cross-gender viewing and searches
- 115.17 Required language missing and five year background checks

Specific details about deficiencies and corrective actions regarding these findings appears in the standard-by-standard discussions in the main body of the report.

The standards are rated as exceeded, met, not met or not applicable. Most standards have between 1 – 15 provisions. To achieve compliance on any given standard, the facility must achieve 100% compliance with each provision within the standard. The auditor used the Department of Justice Final Rule Prisons and Jail PREA Standards published in May 17, 2012. Forty-three (43) Prisons and Jail Standards were audited. The following results are below:

The PREA Compliance Manager was very knowledgeable about the PREA requirements and the implementation of processes and systems.

Number of standards exceeded: 1

Number of standards met: 39

Number of standards not met: 0

Number of standards not applicable: 3 (12, 14, 66)

## Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the agency to adopt a zero tolerance policy for sexual abuse and harassment.

### Supporting Documents, Interviews and Observations:

- MTC Policy 903.E.2, Ensuring Safe Prisons
- MTC Policy 12.004, Ensuring Safe Prisons / Offender Rights
- Mississippi Department of Corrections (MDOC) SOP 20-14-01, Prison Rape Elimination Act of 2003
- Memo designation MTC PREA Coordinator
- MTC Organizational Chart
- MTC designation MCCR PREA Compliance Manager
- MCCR Organizational Chart
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Warden/Facility PREA Compliance Manager

### Findings (By Provisions):

- (a) Management & Training Corporation (MTC) published the agency Policy Serial Number 903E.02, Ensuring Safe Prisons that mandates a zero tolerance toward all forms of sexual abuse and sexual harassment. The policy outlined the agency's approach to prevent, detect, and response to sexual abuse and sexual harassment. The agency policy outline is found in section F.2. (b) On page 6. The agency policy clearly defines general definitions and definitions of prohibited behaviors to include sexual abuse and sexual harassments.
- (b) Management & Training Corporation (MTC) Policy Serial Number 903E.02, Ensuring Safe Prisons, designates an upper level PREA Coordinator for the agency that has sufficient time and authority to develop, implement and oversee MTC's efforts to comply with the PREA Standards in all its facilities. The agency operates more than one facility and each MTC's facility is required to designate a PREA Compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA Standards.

MTC provided information from the Senior Vice President designating the Senior Director, Management and Operational Support, as the MTC PREA Coordinator. A phone interview with the PREA Coordinator confirmed he is knowledgeable of the PREA Standards and has sufficient time and authority to perform his duties in that role. MTC has taken an additional step by designating an Assistant PREA Coordinator. MTC's Policy and Audit Director, is designated as the Assistant PREA Coordinator. These individuals are higher level staff members who have the authority and ability to implement the PREA Standards with the complete support of the Senior Vice President. Interviews with both the PREA Coordinator and the Assistant PREA Coordinator indicated they have an exceptional knowledge of PREA and both have invested considerable time and energy into working with their facilities to

maintain compliance with all the PREA Standards.

- (c) The Acting Warden/Facility PREA Compliance Manager of Marshall County Correctional Facility provided a memo designating the Deputy Warden of Programs as the prison PREA Compliance Manager. An interview indicated that he has a great deal of correctional experience and sufficient time and authority to coordinate the facility's effort to comply with the PREA Standards.

This standard is rated "exceeds" because of the company and the facility's commitment to zero tolerance as evidenced in MTC Policy, and Marshall County Correctional Facility, appointing two higher level company officials (who have an exceptional knowledge of PREA) to serve as PREA Coordinator and Assistant PREA Coordinator. Also because of the appointment of an alternate facility PREA Compliance Manager and through multiple interviews with staff, inmates, contractors and volunteers indicating staff, volunteers and contractors are trained in the Zero Tolerance Policy and that inmates have received this information multiple times through multiple means.

**Corrective Action:** None

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the agency who has facilities for the housing of inmates at other locations.

**This standard is rated non-applicable.**

**Supporting Documents, Interviews and Observations:**

- Management & Training Corporation (MTC) Policy Serial Number 903E.02 (August 1, 2016)
- Statement Of Non-Applicability
- Memo: MTC PREA Coordinator – Contracting with Other Entities for the Confinement of Inmates
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Contract Administrator (Facility Administrator)
  - o Facility PREA Compliance Manager

**Findings (By Provisions):**

This standard is rated non-applicable.

- (a) MTC is the contracting agency and has delegated authority with direct responsibility for the operation of facilities that confine inmates and detainees; it does not have authority to contract with other entities for the confinement



of inmates. Therefore, Marshall County Correctional Facility does not have authority to contract with other entities for the confinement of inmates. Interviews with the Facility PREA Compliance Manager and the Facility Warden indicated that the facility does not and has not contracted any other entity for the confinement of inmates.

- (b) An interview with the BOP Facility Contract Monitor and a review of the “Response to Contract Facility Monitoring Report” revealed the facility’s compliance with PREA.

A review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, there were zero contracts for the confinement of inmates that the facility entered or renewed with private entities or other government agencies since the last PREA audit.

**Corrective Action:** None

### **Standard 115.13 Supervision and monitoring**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility in how to monitor and supervise inmates as it relates to PREA.

#### **Supporting Documents, Interviews and Observations:**

- Management & Training Corporation (MTC) Policy Serial Number 903E.02 (August 1, 2016)
- MCCF Policy 12.004 Ensuring Safe Prisons
- MCCF Policy 03.002, Rules of Conduct
- Mississippi Department of Corrections SOP #20-14-01, PREA
- 2016 Annual PREA Report
- MTC Report of 2016 PREA Allegations and Investigations
- Physical Plant Diagram w/Camera Placement
- Mandatory Overtime Schedule
- Contract Staffing Plan Between MTC and Mississippi Department of Corrections
- Memo: Review of Staffing Plan
- Review of Staff Memo: Mandatory Overtime
- Visit Log for Administrative Segregation
- Log Books
- Post Orders
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Facility Acting Warden/PREA Compliance Manager
  - o Higher Level Facility Staff (Deputy Warden)

## Findings (By Provisions):

- (a) Marshall County Correctional Facility develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and uses video monitoring to protect inmates against abuse. An interview with the Warden indicated that the facility takes into consideration the 11 requirements in standard 115.13 (a) – 1:
- Generally accepted detention and correctional practices;
  - Any judicial findings of inadequacy;
  - Any findings of inadequacies from Federal Investigative agencies;
  - Any findings of inadequacy from internal and external oversight bodies;
  - All components of the inmate population;
  - The composition of the inmate population
  - The number and placement of supervisory staff; institution programs occurring on a particular shift;
  - Any applicable State or Local Laws, Regulations or Standards;
  - The prevalence of substantiated or unsubstantiated incidents of sexual abuse; and
  - Any other relevant factors.
- (b) An interview with the Facility Acting Warden/PREA Compliance Manager revealed each time the staffing plan was not complied with; however, the facility documents and justifies all deviations from the staffing plan. Cameras are strategically located to supplement staffing and to enhance supervision of inmates. There are approximately 209 plus cameras deployed. The Auditor is not going to provide further information related to these because of security concerns; however, observations made during the tour confirmed this facility has a considerable number of cameras strategically located throughout the facility supplementing supervision inside the facility fence and outside.
- (c) MTC Policy 903 E.02 and the interview with the Facility Warden revealed that at least annually, in collaboration with the PREA Coordinator, the facility reviews the staffing plan to see whether adjustments are needed in:
- The staffing plan;
  - The deployment of monitoring technology or
  - The allocation of agency/facility resources to commit to the staffing plan to ensure compliance.

The Acting Warden/PREA Compliance Manager's interview confirmed the process for conducting annual reviews. There were no deviations from the staffing plan, and there is no need for adjustments to the staffing plan; however, there is a staff shortage.

Per a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, the average daily number of inmates on which the staffing plan was predicated was 1000.

- (d) Interviews with the Facility Management Team and documentation reviewed revealed that the intermediate level and/or higher level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. MTC Policy Serial No: 903E.02, section 3.c, page 6, requires unannounced rounds to be performed on all shifts and all areas of the facility occupied by inmates.

When announced rounds are being conducted, Marshall County Correctional Facility policy directs staff not to alert other staff. Policy 1.01, Central Control, page 1, states "staff is prohibited from alerting other staff members that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility." There is a concern with the following wording within the policy "rounds to be performed on all shifts and all areas of the facility occupied by inmates." Interviews with some intermediate level staff indicated that they only conduct unannounced rounds only where the inmates are located and not areas such as close kitchen,

laundry, gym, and administrative areas.

The facility provided documentation to confirm unannounced rounds are being conducted. Unannounced rounds are documented in the log books in the inmate's living units. The documentation reviewed from the log books only states "conduct rounds".

#### **Corrective Action and Verification:**

**Concern #1:** MTC Policy Serial No: 903E.02, section 3.c, page 6 requires unannounced rounds to be performed on all shifts and all areas of the facility occupied by inmates. There is a concern with the following wording within the policy, "rounds to be performed on all shifts and all areas of the facility occupied by inmates". Interviews with some intermediate level staff indicated that they only conduct unannounced rounds where the inmates are located and not areas such as kitchen, laundry, gym, administrative areas. It is recommended that the facility release a directive to the Management Team to conduct unannounced rounds in all locations of the facility until policy change is approved by the Agency. The intermediate level staff needs to include all areas of the facility when conducting unannounced rounds to deter sexual activity.

The facility released a directive to all staff conducting unannounced rounds. "Marshall County Correctional Facility will conduct unannounced rounds at any time in areas occupied by offenders and areas that are normally occupied by offenders during regular working hours. In addition, MTC Corporate Office will be making policy changes regarding this statement as policy change.

**Concern #2:** The facility provided documentation to confirm unannounced rounds are being conducted. Unannounced rounds are documented in the housing log books. The documentation reviewed from the log books only states "conduct rounds". It is recommended that detailed information is documented in the log book, for example: Asking inmates whether they feel safe, checking doors to ensure they are lock, ensuring all inmates are in there assigned locations, staff is in their assign location, etc.

The facility released a directive instructing the management team when conducting unannounced rounds to include all points of the facility whether inmates are scheduled there or not and detail more information in the PREA unannounced documentation.

**Concern #3:** Interviewed staff indicated that they do not feel safe-when working in units alone. Staff reveal the sometimes they worked the unit alone and have to go into the pods and conduct formal counts. The pods are open bay and the inmates know that they are working alone.

The Marshall County Correctional Facility has conducted multiple recruitment events such as job fairs and advertisements to attract individuals for employment. In addition, they have rented billboards, and also used newspaper and radio advertisement. These efforts have resulted in a new cadet class approximately every 30 days over the past months.

#### **Standard 115.14 Youthful inmates**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard requires youthful inmates to be out of sight, sound and physical contact with adult inmates.

**This standard is rated non-applicable.**

**Supporting Documents, Interviews and Observations:**

- Management & Training Corporation (MTC) Policy Serial Number 903E.02 (August 1, 2016)
- Mississippi Department of Corrections SOP #20-14-01, PREA
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Juvenile Inmates at Marshall County Correctional Facility Report
- MTC Contract with MDOC Article 3
- Memo: Statement of Non-Applicability
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Facility PREA Compliance Coordinator

**Findings (By Provisions):**

- (a) Interviews with the Agency and Facility Management team and, a review of facility demographics/documentation reveal that Marshall County Correctional Facility does not admit youthful inmates. A Memo dated December 11, 2014 reveals that The Marshall County Correctional Facility is a private contract facility tasked with the obligation to house adult male inmates. Upon arrival, the inmates are screened by unit classification personnel to ensure the inmate meets contract requirements to include adult status. If an inmate deemed as “Youthful” is received; the facility has a process where they place the youthful inmate in Administrative Segregation and services are provided while awaiting transfer to a more suitable facility.

Interviews with the Facility PREA Compliance Manager and randomly selected staff indicated youthful inmates are not housed in this facility. Interviewed randomly selected staff stated youthful inmates are not housed at this facility and during the audit period no youthful inmates were observed.

The PREA Audit: Pre-Audit Questionnaire indicated in the past 12 months, the number of housing units to which youthful offenders are assigned is zero.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were no youthful offenders housed at the facility.

**Corrective Action:** None

**Standard 115.15 Limits to cross-gender viewing and searches**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility about how it treats transgendered and intersex residents in regards to cross-gender strip searches or cross-gender body cavity searches.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Policy 08.036, Control of Contraband/Body Searches – Offenders
- MCCF Policy 12.001, Transgender Offender
- Memo regarding Dorm Announcements
- Cross-Gender Pat Search Training
- Sign – In Sheets /Training Attendance Records
- Training Power Point
- Statement of Fact: MCCF Does Not Permit
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Random Officers
  - o Non-Medical Staff Cross Gender Searches (Officer)
  - o Random Inmates

**Findings (By Provisions):**

- (a) MTC and MCCF policies directs staff not to conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. Documentation review indicated Marshall County Correctional Facility reports no exigent circumstances for this audit period. The facility maintains a log book to document when exigent circumstances occur. Memo Re: Female Staff and Cross-Gender Strip/Visual Body Cavity Searches dated December 11, 2015, states that the facility houses adult male inmates. The facility’s search policy prohibits female staff from conducting strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by authorized medical personnel. Facility documentation also indicated that no female staff member has been authorized to conduct the above searches within the PREA audit period. The facility provided documentation that the Marshall County Correctional Facility is for the management and operations of adult male offenders and female offenders are not housed in this facility. Interviewed staff related female staff does not conduct cross-gender pat searches of male inmates. Interviews with inmates confirmed that none of them had been strip searched by a female officer.
- (b) The Marshall County Correctional Facility rated capacity is 1000, which exceed the 50 inmate rule. This provision does not apply.
- (c) Staff interviews and facility documentation indicated that all cross-gender strip searches and cross-gender visual body cavity searches will be documented. The facility only houses male inmates. Female officers do not conduct cross-gender strip searches and cross-gender visual body cavity searches.
- (d) MTC Policy 903E.02, Limits to Cross-Gender Viewing, section C, requires Marshall County Correctional Facility to implement policies and procedures that enable inmates to shower and perform bodily functions and change clothing without non-medical staff of the opposite gender viewing the breasts, buttocks or genitalia, except in

exigent circumstances or when such viewing is incidental to routine cell or bed checks. Interviewed inmates stated they are never naked in full view of staff and are provided privacy while changing clothes, showering and using the restroom. Observations of restrooms and shower during the tour confirmed inmates have privacy when using the restroom, showering and changing clothing. PREA friendly shower curtains are at the door way of the bathrooms and the shower areas to provide a little privacy even in an open bay dormitory style pod or dorm. Inmates reported they are never naked in full view of staff.

- (e) According to staff interviews and documentation review, the facility has not housed any transgender or intersex inmates. However, MTC policy directs staff not to search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, the facility determine 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.
- (f) If the facility were to receive a transgender or intersex inmate, the staff is trained on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The facility provided samples of documentation to confirm staff has received and receive search training consistent with the MTC policy. The PREA Compliance Manager confirmed there have been no cross-gender strips or visual body cavity searches conducted within the audited cycle.

A review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, in the past 12 months there were zero cross-gender strip and visual body cavity searches of inmates.

#### **Overall Interview Results:**

Fifteen (15) security staff members, representing staff from all three shifts, were interviewed. One hundred percent (100%) of staff interviewed indicated that cross-gender pat searches were not permissible. One hundred percent (100%) of the interviewed staff stated that they were trained on conducting cross-gender pat searches and searches; however seventy-five (75%) of the staff could not recall receiving training on searches of transgender and intersex inmates in a professional and respectful manner. Only three staff could recall that the training occurred in either pre-service or in service.

One-hundred (100%) of the inmates reported that the presence of female staff is announced when they are entering the housing male areas. All of the inmates reported that no one can see them when they are showering, using the toilet, or changing clothes; however one inmate articulated discomfort with staff that are "homosexual" having the capacity to conduct strip searches on male inmates. One hundred (100%) of the staff reported that inmates can dress, shower, and toilet without being viewed by staff of the opposite gender and that female presence on housing units is announced.

No female inmates are housed at the facility.

#### **Corrective Action and Verification:**

**Concern #1:** Staff interviews indicated that some staff are having problem remembering the cross-gender pat down searches.

The Marshall County Correctional Facility provided additional information to staff on cross-gender pat down searches, searches of transgender and intersex offender in a professional and respectful manner. The refresher training incorporated for new employees and annual in service training for seasoned employees. In addition MCCF provided detailed training for Captains and the Chief of Security for the purpose of conducting cross gender pat down searches.

**Concern #2:** Inmate interview indicated that an inmate articulated discomfort with staff that is "homosexual" having the

capacity to conduct strip searches.

The Marshall County Correctional Facility management team stated that they will monitor inmate strip searches for any inmate discomfort.

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility to ensure that inmates who are limited English proficient and inmates with disabilities be afforded the same equal opportunities to participate in or benefit from the facility's effort to prevent, detect, and respond to sexual abuse or harassment.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Policy 08.034, Special Management Offenders
- Mississippi Department of Corrections SOP #20-14-01, PREA
- Memo: PREA Compliance Manager
- Inmate Handbook (English)
- Inmate Handbook (Spanish)
- Statement of Fact
- Statement of Fact
- PREA Poster (English & Spanish)
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Random Officers
  - o Random Inmates
  - o Disabled Inmates
  - o English Proficient Inmates

#### **Findings (By Provisions):**

- (a) The facility has taken appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. To ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the

facility ensures that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

The Marshall County Correctional Facility provided PREA documentation that states, there is no contract on file at this time for Interpreting Services for the deaf and hard of hearing at MCCF. Should a person be deaf or hard of hearing, their medical class would be too high to be housed at Marshall County. Should the facility need someone, they could go through Corey Blount at the University of Mississippi's Student Disabilities Service in Oxford, Mississippi to obtain help.

- (b) The facility has taken reasonable steps to ensure meaningful access to all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Staff interviews and documentation indicated that onsite interpreters are provided for Spanish speaking inmates. Assistance may be requested through security staff. Outside interpreting services are not available to the inmate population as dictated by policy and customer requirements.

The facility provided documentation dated November 11, 2016, the documentation states "there is no contract on file at this time for Spanish interpreter at MCCF; however, there is a staff member, educator, Literacy and ABC Instructor, who is fluent and has the ability to read and write in Spanish should the need arise."

- (c) The facility does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties or the investigation of the inmate's allegations. Interviewed staff consistently stated they would not allow, except in emergency situations, an inmate to translate or interpret for another inmate in making an allegation of sexual abuse. They indicated that they can contact the staff who speak Spanish if the need arise.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were zero instances where inmate interpreters, readers, or other types of inmate assistants have been used.

#### **Overall Interview Results:**

Three (3) of the interviewed security staff reported that inmate interpreters may be allowed; however, it has been very limited instances. One disabled inmate was interviewed and reported feeling safe at the facility, and was provided information regarding sexual abuse and harassment. The disability did not hinder the inmate from receiving information consistent with the random sample of inmates interviewed. A limited English proficient inmate was interviewed and reported feeling safe at the facility. The inmate had a difficult time understanding the scope of the interview but after further dialogue he reported receiving a copy of the handbook in Spanish and understood the use of the phone hotline to report allegations of sexual abuse and harassment.

#### **Corrective Action and Verification:**

**Concern #1:** Interviewed security staff reported that inmate interpreters may be allowed.

The Marshall County Correctional Facility issued a directive in briefings reminding staff that inmate interpreters are not to be used; only use the proved list of interpreters.



## Standard 115.17 Hiring and promotion decisions

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility in hiring and promotional practices in regards to PREA.

### Supporting Documents, Interviews and Observations:

- MTC Policy 903E.02, Ensuring Safe Prisons
- MTC Policy 201.3, Background Checks
- MTC SOP, Recruitment and Employment
- MTC Policy 203.11, Fraternalization
- MCCF Policy 03.002, Background Checks
- MCCF Policy 03.022, Rules of Conduct
- MCCF Policy 08.017, Security Patrols and Inspections
- Safety/Sanitation Weekly Reports (Medical, Library, Education)
- Duty Warden Inspection Log
- Five Year Background Schedule
- MDOC Background Checks List/Email
- Criminal Justice Purpose Request for NCIC
- Log: Long Term Segregation; Unannounced Rounds, Visitor Logbook
- Mississippi Department of Corrections SOP #20-14-01, PREA
- Interview Questions Completed
- Background Checks (Employee, Contractor and Vendor)
- Employment Verifications
- Statement of Fact: Unannounced rounds
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Human Resource Staff)

### Findings (By Provisions):

- (a) The facility does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates as listed in this standard to include the following provisions:
1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
  2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

3. Has been civilly or administratively adjudicated to have engaged in the activity described in number 2.

MTC Standard Operating Procedure requires Marshall County Correctional Facility to ask the three questions. The facility provides the applicant with a PREA Interview form and each applicant responds to each question above and signs and dates for documentation purposes. However, the questions omitted required information.

- (b) The facility considers incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of contractors, that may have contact with inmates. The facility does not perform criminal background checks on promotions at the time of promotions. In addition the facility employee must report any arrest to the facility within 24 hours. Any staff promoted is asked the PREA questions again during the promotion interview. NCIC background checks are run on promotions to any of the essential staff vacancies.
- (c) MTC policy directs facility before hiring new employees that have contact with inmates are to complete a criminal background records checks and make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse and any resignation during a pending investigation of an allegation of sexual abuse.

The facility human resources manager is responsible for ensuring a background check is completed on all individuals who are identified and selected for employment regardless of status e.g. full time, part-time, on-call, temporary, as well as candidates for intern positions. Each applicant selected for employment is required to sign an application for employment and background verification disclosure form giving authorization to conduct the background check. All offers are contingent upon successful completion of background checks.

Interview with the Human Resources staff indicated that individuals who are identified and selected for employment with the company, regardless of status (full-time, part-time, intern positions and candidates), are required to successfully complete a background check which include, but not limited to:

- Past Employment Verification
- Reference Checks
- Driving Records
- Education Verification
- Licenses/Certification
- Criminal Records
- Civil Records
- Credit Checks
- Consumer Reports

- (d) The facility completes a criminal background records check before enlisting the services of contractors who may have contact with inmates. The Marshall County Correctional Facility conducts criminal background checks on all applicants. The facility conducts pre-employment integrity interviews, asking the PREA questions as a separate set of interview questions.
- (e) The facility MTC policy requires the Marshall County Correctional Facility to conducts criminal background records checks every five years of current employees and contractors who have contact with inmates. The facility could not provide the required documentation.
- (f) The facility asks 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 and in any interviews or written self- evaluations conducted as part of reviews of current employees. The facility also imposes upon employees a continuing affirmative duty to disclose any misconduct related to PREA.

- (g) MTC policy prohibits staff from material omissions and the provision of materially false information as detailed in MTC policy 203.01.B.8.b.18 Rules of Conduct.
- (h) Interviews with the HR manager indicated that the facility will provide information on substantiated allegations of sexual abuse or sexual harassment involving former employees upon receiving a request from an institutional employer for that the employee has applied to work. An interview with the HR manager indicated during this audit cycle there were no such requests.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were 136 persons hired who may have contact with inmate who have had criminal background record checks completed.

#### **Corrective Action and Verification:**

**Concern #1:** The facility did not produce the required 5 years background checks.

The Marshall County Correctional Facility provided a tracking plan to start tracking the five year background checks. The facility acquired a contract with Mississippi Department of Corrections on August 12, 2012.

**Concern #2:** The facility language in the hiring and promotion practices did not cover required information in the standards.

The Marshall County Correctional Facility has implemented language in hiring and promotion practices to ensure policy and standard compliance. The revised changes per facility internal and external interview questionnaire are using the language directly for the standard.

#### **Standard 115.18 Upgrades to facilities and technologies**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the agency when considering upgrades to its facility or technologies.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Memo: Review of Security Camera
- Mississippi Department of Corrections SOP #20-14-01, PREA
- Physical Plant Diagram with Camera Placement
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Senior Vice President MTC Corrections (Agency Head)

- Sr. Director, Management & Operations and MTC PREA Coordinator
- Facility Warden

**Findings (By Provisions):**

This standard is rated non-applicable.

Interviews and facility documentation indicated that the Marshall County Correctional Facility has not had any upgrades or substantial expansion as well as adding major surveillance cameras to the video system.

- (a) According to interviews with the Senior Vice President of Corrections, Senior Director of Management and Operations and Director of Policy & Audits and MTC policy when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the plan will consider the effect of the design, acquisition, expansion, or modification upon the facility’s ability to protect inmates from sexual abuse.
- (b) According to interviews with the Senior Vice President of Corrections, Senior Director of Management and Operations and Director of Policy & Audits and MTC policy when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the plan will consider how the technology may enhance the facility’s ability to protect inmates from sexual abuse.

**Corrective Action:** None

**Standard 115.21 Evidence protocol and forensic medical examinations**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility’s evidence protocol and forensic medical examinations as it relates to PREA.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MDOC Policy SOP 20-14-01, Prison Rape Elimination Act of 2003
- MDOC SOP 20-06-01, Searches and Preservation of Evidence
- Memo from Centurion of Mississippi
- MOU between MDOC and Mississippi Coalition Against Sexual Assault
- MOU between Centurion and Baptist North MS
- MCCF Investigator Training records
- Statement of Fact
- Certificate of Completion: Investigator Training

- Walnut Grove Facility Sign-In-Sheet
- The Moss Group/PREA Resource Center Training Modules
- Community-Based Advocacy & Corrections: Working Together to Stop Sexual Abuse in Confinement
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Facility PREA Compliance Manager
  - o Random Officers
  - o Inmates Reported Sexual Abuse

**Findings (By Provisions):**

- (a) The Marshall County Correctional Facility is responsible for investigating allegations of sexual abuse. Administrative and/or criminal investigations are completed for all allegations of sexual abuse or sexual harassment. The facility utilizes the internal and external offices to conduct investigations regarding all felony related crimes to include alleged sexual violence that occurred at the facility. Both the facility and the external office follow a uniform evidence protocol that maximizes the potential for obtaining unobtainable physical evidence for administrative proceedings and criminal prosecutions.

The protocol is appropriate, and is 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. The facility does not house Youth/Adolescents.

If there was a sexual abuse allegation, interviewed staff indicated that the facility will offer all victims of sexual abuse access to forensic medical examinations at an outside hospital, without financial cost. Examinations are performed by Sexual Assault Forensic Examiners (SAFEs). If SAFEs cannot be made available, the examination is performed by other qualified medical practitioners at the hospital. The facility documents its efforts to provide SAFEs or Sexual Assault Nurse Examiners (SANEs) through the MOU with the local Rape Crisis Center.

The Marshall County Correctional Facility provided documentation that staff at Baptist Memorial Hospital-North MS has been properly trained in the proper collection of and documentation of evidence in the event of a PREA claim of an inmate at MCCF. The Centurion medical staff works in conjunction with the medical staff of Baptist North MS to ensure that the inmate receives the professional, high quality, confidential care that they deserve, at no expense to the inmate.

Baptist Memorial Hospital-North is utilized for emergency care or treatment to include “Sexual Assault Forensic Examinations”. Emergency Room Nurses at Baptist Memorial-North are qualified SAFE and/or SANE practitioners that comply with the National Protocol for Sexual Assault Medical Forensic Examinations. An appropriately trained health care provider at a community hospital will complete the forensic examination (sexual assault kit) of the victim free of charge. This examination is not conducted by the facility medical staff. The results of the physical examination and all collected physical evidence are provided to authorize staff only.

- (b) The facility makes available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the facility makes available (to provide services) a qualified staff member from a community-based organization, or a qualified facility staff member. The facility provided documents that showed efforts to secure services from rape crisis centers.

The victim advocate, is a qualified facility staff member, or qualified community-based organization staff that accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals. The facility utilizes the Mississippi Coalition Against Sexual Assault for staff training and direct contact support for inmate victims of sexual violence. The facility has two staff member trained as Victim Advocates.

- (c) Interview with the Acting Warden and Facility Investigator indicated when outside agencies are responsible for investigating allegations of sexual abuse, the facility requests that the investigating agency follows the requirements of PREA. This includes standard provision (g) 1 and 2. Policy requires the Warden to request that outside investigative authorities conduct the investigation in accordance with PREA investigation standards.
- (d) The MTC policy defines a qualified facility staff member or a qualified community- based staff member as an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. The facility has two staff members trained as Victim Advocates.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months one forensic medical exam was conducted.

**Overall Interview Results:**

All but one (1) of the interviewed security staff was knowledgeable of the staff member (s) responsible for internal investigations. It should be noted that investigation staff/position identified by staff did not appear consistent. Some of the responses included an Investigator, Deputy Warden, Supervisor, CID, and PREA Investigator.

Ninety (90%) of the staff were able to describe the process and steps required to protect physical evidence; which included securing the area, protecting the physical evidence, not allowing the victim to shower or brush teethe, and immediately seeking medical attention.

Two (2) residents were interviewed that reported sexual abuse while at the facility. Both inmates reported that they immediately received medical attention; however one (1) indicated that he did not know the process of contacting anyone outside of the facility. The inmate could not recall if sexual abuse actually occurred but awakened with blood in his underpants. The inmate did not want to talk to anyone outside of the facility regarding the matter, such as an advocate, because it was not substantiated that a sexual incident occurred. The second inmate, who reported an allegation of sexual abuse, stated that it was along the lines of harassment, threats, and intimidation therefore medical assistance was not needed. The resident reported that they were able to talk to family after the allegation; however was not offered access to outside services. The inmate stated that outside services was not necessary based on the nature of the allegation, and the incident took place before PREA standards were implemented.

**Corrective Action:** None

**Standard 115.22 Policies to ensure referrals of allegations for investigations**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility's efforts at referring allegations for investigations to an appropriate investigatory agency for all sexual abuse or harassment allegations.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Policy 08.036, Searches, Preservation of Evidence/Control and Disposition of Contraband
- Mississippi Department of Corrections SOP #20-06-01, Searches and Preservation of Evidence
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MDOC SOP 20-14-01, Prison Rape Elimination Act of 2003
- Example of PREA Referral Form
- Offender Referral Form
- Incident Summary Letter & Interviews
- Criminal Referral Report
- Incident Detail
- Memo: Statement for Fact
- PREA Results of Notification
- Completion of Investigations
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Senior Vice President MTC Corrections (Agency Head)
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Random Officers
  - o Investigator

**Findings (By Provisions):**

- (a) According to interviews with the Senior Vice President of Corrections, Agency PREA Coordinator, Assistant PREA Coordinator, and the Facility Investigator, the facility ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment reported on inmate-on-inmate or staff-on-inmate misconduct.

The initial investigation begins immediately by correctional staff, normally the Facility Investigator or Shift Commander, ensuring preservation of physical and/or circumstantial evidence. In accordance with contract requirements, MDOC CID is notified immediately and assumes control of the investigation when appropriate. The facility uses a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. In accordance with policy for criminal incidents, the MDOC is notified immediately and assume control of the investigation when appropriate.

Investigations are documented in a written report that contains a through description of physical, testimonial, and documentary evidence and attached copies of all documentary evidence.

An additional interview with Facility Investigator confirmed the process for receiving an allegation and for conducting the investigation if an alleged sexual abuse was reported. Interviewed staff stated, they have been trained to report everything for investigations, including reporting, knowledge, allegations and suspicion of sexual abuse or sexual harassment. Staff affirmed they are trained to accept reports from all sources, including third parties and anonymous reports.

- (b) The Marshall County Correctional Facility has a policy 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. Per policy substantiated allegations of conduct that appears to be criminal are referred for prosecution. The

investigators impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity. MTC publishes the policy on its website.
- (d) Department of Justice components responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails have in place a policy governing investigations.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, during the past 12 months there four (4) PREA referrals to the MDOC Criminal Investigations Division. However, if a referral is necessary, the facility will include a request to conduct the criminal investigation pursuant to PREA guidelines.

#### **Overall Interview Results:**

As previously stated, a majority of the staff are aware that referrals are investigated however who conducts the investigation was inconsistent among staff responses. Only one (1) staff member could not recall or articulate who is responsible for conducting investigations. When probed, one hundred percent (100%) of the security staff interviewed reported that they were not aware of anyone conducted external investigations.

**Corrective Action:** None

#### **Standard 115.31 Employee training**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility in its efforts to train all facility staff in the PREA requirements.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MTC Policy 901D.02, Training Requirements
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 004.001, Training Requirements
- MCCF Policy 12.004, Ensuring Safe Prisons
- PREA Power Point
- SOF / PREA Orientation / In-Service
- PREA Knowledge Check
- New Employee Training Attendance Record
- In-Service Training Attendance Record
- MCCF PREA Training Acknowledgement Forms



- PREA Acknowledgement Form
- PREA Quiz
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Random Officers
  - o Staff

**Findings (By Provisions):**

- (a) The Facility has trained staff that has contact with inmates on the eleven (11) requirements stated in this standard. According to staff interviews, sexual abuse and sexual harassment training is provided in pre-service, in-service and other additional training and include all requirements.
- (b) Training is tailored to the gender of the inmates at the employee’s facility. Review of documentation revealed that staff receive additional training if the staff is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa. The staff will receive this training through additional pre-service training. This facility housed only male inmates.
- (c) All current employees have received training and the facility has provided each employee with refresher training every two years to ensure that all employees know the facility’s current sexual abuse and sexual harassment policies and procedures.
- (d) The facility documents, through employee signature and electronic verification, staff understanding of the training they have received. The Marshall County Correctional Facility documents staff training using the Training Acknowledgement form and a training roster, which requires the staff and instructor signature, date and job title.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were 123 employees assigned to the facility who were trained on the PREA requirements.

**Overall Interview Results:**

Interviewed fifteen (15) security staff that could articulate the topics covered in the PREA training. One hundred percent (100%) of the security staff reported being knowledgeable of the topics they had been trained in. The staff could describe the training on zero tolerance, inmate and staff rights, dynamics of sexual abuse and sexual harassment, prevention and response protocol as well as supportive services available to inmates. Several staff stated that they could not recall receiving training on working with vulnerable populations (LGBTI, prior history of sexual victimization). Staff reported that they received PREA related training in pre-service and annual in-service.

**Corrective Action:** None

**Standard 115.32 Volunteer and contractor training**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs facility’s efforts to train volunteers and contractors in the PREA requirement.

**Supporting Documents, Interviews and Observations**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MCCF Policy 04.001, Training Requirements
- MCCF Policy 07.001, Volunteer Programs
- MDOC SOP 20-14-01
- PREA Power Point for Volunteers and Contractors
- Volunteer Training Attendance Record
- Contractor Training Attendance Record
- MCCF PREA Training Acknowledgement Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Volunteer
  - o Contractor

**Findings (By Provisions):**

- (a) The Marshall County Correctional Facility trains all volunteers and contractors who have contact with inmates on their responsibilities under the facility’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures. According to the PREA Audit: Pre-Audit Questionnaire the facility trained 20 volunteers and contractors within the past 12 months.
- (b) Interviews and documentation indicated that the level and type of training provided to volunteers and contractors is based on the services they provide and the contact they have with inmates. All volunteers and contractors are notified of the facility’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report alleged incidents.
- (c) The facility maintains documentation confirming that volunteers and contractors understand the training they received. The Marshall County Correctional Facility documents volunteer and contractor training using the Training Acknowledgement form and rosters, which requires the volunteers, contractors and instructor signature and date.

**Corrective Action:** None

**Standard 115.33 Inmate education**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility to provide during the intake process information regarding the facility’s zero tolerance policy about sexual abuse and harassment and how to report sexual abuse and harassment.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Medical Intake Pamphlet with Signature Page
- MCCF Classification Intake PREA Pamphlet with Signature Page
- Orientation Agenda with Sing-In
- Inmate PREA Information Acknowledgement Statement
- Inmate Arrival Roster
- Inmate Handbook
- Inmate Grievance Process / Centurion of Mississippi
- Inmate Orientation & Contract Information Sheet
- PREA Posters English
- PREA Posters Spanish
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Intake Staff
  - o Random Inmates

**Findings (By Provisions):**

(a) Staff interviews and documentation review indicated that during the intake process, inmates receive information explaining the facility’s zero- tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. The facility included the following in the inmate education:

- What is Sexual Assault?
- Sexual Misconduct Can Be Defined as:
- Examples of Sexual Misconducts
- Your Rights To Be Safe From Sexual Assault
- About Your Safety
- Avoiding Sexual Assault
- Counseling Services Related to Sexual Assault
- Before You Attack Another Inmate Remember....
- Aids/HIV Fact Sheet
- Access To Medical, Dental or Mental Health Services
- Confidentiality

During intake, inmates are given the inmate handbook. During orientation, additional PREA related information is provided and the video is shown. The staff conducting intake/orientation gives inmates the opportunity to ask questions to clarify anything they do not understand. Inmate’s acknowledgement statements were provided of receiving PREA information.

- (b) The facility provides comprehensive education to inmates in person and through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents. This information is provided to the inmates within 30 days.
- (c) All inmates at the Marshall County Correctional Facility received and have been educated on PREA. Inmates that transfer to the facility also receive the required PREA Education.
- (d) Inmate interviews confirmed that the facility provides inmate education in formats accessible to all inmates, including limited English proficient, deaf, visually impaired, disabled, as well as to inmates who have limited reading skills. Staff and inmate interviews reveal that the facility provides the PREA Education in English and Spanish, to include inmate handbooks and posters. The facility also provided inmate PREA documentation in Braille format for those inmates that meet the requirement. Video is used during orientation as well as in the dorm setting. PREA related information is delivered to the inmate population through a closed circuit television. PREA related video content is narrated in both English and Spanish for the hearing and or visually impaired.
- (e) The facility maintains documentation of inmate participation in the education sessions by using the Inmate Orientation check list an Inmate PREA Information Acknowledgement Statement. The check list requires the inmate to sign and date and is witnessed by staff signature.
- (f) In addition to providing PREA education, the facility ensures that key information is continuously and readily available and visible to inmates through posters, inmate handbooks, and other written formats.

**Overall Interview Results:**

Nineteen (19) inmates were interviewed. All of the inmates reported that they recall receiving information upon intake and orientation regarding sexual abuse and harassment. The information was provided to them in a handbook within 1-3 days of being at the facility; however one inmate reported being at the facility prior to the implementation of the PREA standards but was provided the information once PREA standards were enforced. All of the inmates were aware of the PREA hotline and who to call if they were being sexually abused or harassed. The inmates understood that the hotline number went directly to a sexual assault center. Two (2) inmates reported, that they did not recall if they were informed about their right to not being sexually abused or harassed for reporting sexual abuse or harassment.

The inmates are provided information regarding sexual abuse and harassment in the facility handbook, with the PREA hotline number and videos. There are PREA related posters in the intake area along with the resident handbook which covers the sites zero tolerance policies, how to report, and to be free from retaliation for reporting incidents. The handbook is also provided in Spanish.

**Corrective Action:** None

**Standard 115.34 Specialized training: Investigations**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the specialized training requirements for investigators.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.04, Ensuring Safe Prisons
- MCCF Investigator Certificate
- MCCF Investigator Training Sign-In Sheet
- Specialized Training Curriculum
- Mississippi Coalition Against Sexual Assault & Mississippi Department of Corrections & Just Detention International Training Agenda
- Email for CID Supervisor
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Investigator

**Findings (By Provisions):**

- (a) In addition to the general PREA training provided to all employees, the Marshall County Correctional Facility ensures that its Facility investigators have received training in conducting investigations in confinement settings. Interviews and documentation reveal that the Mississippi Department of Corrections has completed the required training.
- (b) The Specialized training was conducted by Mississippi Coalition Against Sexual Assault & Mississippi Department of Corrections & Just Detention International. Specialized training includes 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 and prosecution referral.
- (c) The facility maintains documentation of investigators having completed the required specialized training in conducting sexual abuse investigations.
- (d) Department of Justice component that investigates sexual abuse in confinement settings shall provide training to agents and investigators who conduct such investigations. This provision does not apply to the Marshall County Correctional Facility.

**Corrective Action:** None

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility to have each medical and mental health staff member go through additional specialized training beyond that given to all employees.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Medical Specialized Training Power Point
- Training Verification Summary Form
- Training Sign In Sheet
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Medical Staff
  - o Mental Health Staff

**Findings (By Provisions):**

- (a) Interview with the Marshall County Correctional Facility medical and mental health staff indicated that all full-time and part-time medical and mental health care practitioners who work regularly in the facilities have been trained around:
  - How to detect and assess signs of sexual abuse and sexual harassment.
  - How to preserve physical evidence of sexual abuse.
  - How to respond effectively and professionally to victims of sexual abuse and sexual harassment.
  - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- (b) The medical staff at Marshall County Correctional Facility does not conduct forensic examinations. The Alliance Health Care Services Holly Springs conducts the “Sexual Assault Forensic Examinations”. The examiners are qualified SAFE and SANE practitioners that comply with the National Protocol for Sexual Assault Medical Forensic Examinations.
- (c) The facility maintains documentation that medical and mental health practitioners have received the training referenced in this standard. Training rosters and staff meetings sign in sheets was submitted to the auditor.

**Corrective Action:** None

**Standard 115.41 Screening for risk of victimization and abusiveness**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility's effort at gathering information within 72 hours of intake and periodically thereafter during confinement.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MDOC SOP 20-14-01
- Screening of Risk of Victimization and/or Abusiveness Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Facility PREA Compliance Manager
  - o Staff Screening for Risk of Victimization and Abusiveness
  - o Random Inmates

**Findings (By Provisions):**

- (a) The facility assesses all inmates during intake screening to include inmates that transfer from other prisons for risk of being sexually abused.
- (b) Interviews and documentation revealed that intake screenings are taking place within 72 hours of arrival at the Marshall County Correctional Facility. In addition, during intake screening, procedures requires staff review available documentation (judgment and sentence, commitment orders, criminal records, investigation reports, field and medical files) for any indication that an inmate has a history of sexually aggressive behavior. Housing assignments are made accordingly.
- (c) The facility uses the MTC form as the facility screening for Risk of Victimization and Abusiveness as the objective screening instruments.
- (d) Staff interviews and documentation review reveal that the Screening for Risk of Victimization and Abusiveness include the following:
  - Whether the inmate has a mental, physical, or developmental disability.
  - The age of the inmate.
  - The physical build of the inmate.
  - Whether the inmate has previously been incarcerated.
  - Whether the inmates' criminal history is exclusively nonviolent.
  - Whether the inmate has prior convictions for sex offenses against an adult or child.
  - Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
  - Whether the inmate has previously experienced sexual victimization.
  - The inmate's own perception of vulnerability.
  - Whether the inmate is detained solely for civil immigration purposes.

- (e) Interviews and documentation reviewed indicated that the Mental Health staff reassesses the inmate’s risk level for sexual victimization or sexual abusiveness whenever warranted and within 30 days of arrival at the institution if the inmate is identified at risk for victimization or for being at risk for being sexually abusive.
- (f) Inmates are not disciplined for refusing to answer, or for not disclosing complete information in response to any questions as stated in section (d).
- (g) The agency implements 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 as described above.

**Overall Interview Results:**

Only one (1) interviewed inmate was placed at the facility within the last 12 months. The inmate reported that he recalled being asked questions regarding prior history of sexual abuse, or whether they identified as being gay, lesbian, or bisexual. These questions were asked upon arrival and during the intake process. The inmate had only been housed at the facility for one month during the interview and had not been reassessed since arrival at the facility.

One hundred (100%) of the inmates reported feeling safe and that sexual assault behaviors do not occur at the facility.

**Corrective Action:** None

**Standard 115.42 Use of screening information**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard sets forth guidelines for the use of screening information that is used in making housing, programming, bed, education, and work assignments.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.01, Ensuring Safe Prisons
- MTC Offender Data System “Keep Separate” Functionality
- Mississippi Department of Corrections SOP #20-14-01, PREA
- Statement of Fact: Regarding Designation of Transgender or Intersex Inmates
- Example of Screening Tool
- Screening Review Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:



- Sr. Director, Management & Operations and MTC PREA Coordinator
- Facility PREA Compliance Manager
- Staff Screening for Risk of Victimization and Abusiveness
- LGBTI Populations Inmates
- Transgender and Intersex Inmates

**Findings (By Provisions):**

- (a) MTC Policy 903E-02, Ensuring Safe Prisons B.17, Use of Screening Information, (a), requires the Marshall County Correctional Facility to use information from the risk screening required to inform housing, bed, work, education and program assignments with the goal of keeping separate those inmates at high risk for being sexually victimized from those at high risk of being sexually abusive. Individualized determinations about how to ensure the safety of each inmate will be made according to staff interviewed.
- (b) The contract with the Mississippi Department of Corrections does not allow the Marshall County Correctional Facility to accept transgender or intersex inmates. However, if the facility receives a transgender inmate and in deciding whether to assign a transgender or intersex inmate to which male living unit and in making other programming assignments, the facility will consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems.
- (c) Staff interviews indicated that when making placement and programming assignments for each transgender or intersex inmate the facility will reassess the inmate at least twice each year to review any threats to safety experienced by the inmate.
- (d) Staff interviews also indicated if they were to have a transgender or intersex inmate, the inmate’s own views with respect to his or her own safety will be given serious consideration.
- (e) Transgender and intersex inmates will be given the opportunity to shower separately from other inmates.
- (f) Interview with the Facility PREA Compliance Manager indicated that the facility will not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely based on identification status for protecting such inmates.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interviews, in the past 12 months there were no transgender or intersex inmates designated to the Marshall County Correctional Facility for service of sentence.

**Overall Interview Results:**

One (1) resident interviewed identified as being gay. The resident reported feeling safe at the facility and he is treated like all other inmates.

**Corrective Action:** None

**Standard 115.43 Protective custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard sets forth guidelines for inmates at high risk for sexual victimization.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Statement of Fact: No Inmates have Been Involuntarily Housed in Segregation
- Program Certificate (Aaron Collins): Residential Drug Abuse Program
- Drill Down Detail Report
- Inmate Library (AD SEG) Signature Sheet
- Mississippi Department of Corrections Detention Notice
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews
  - o Facility Warden
  - o Staff Supervise Inmates In Segregated Housing
  - o Inmates Placed in Segregated Housing (None)

**Findings (By Provisions):**

- (a) Interviews and documentation review at Marshall County Correctional Facility indicated that inmates at high risk for sexual victimization are prohibited from being placed in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Interviews also reveal that if an assessment cannot be immediately completed, the facility will hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- (b) Staff interviews indicated that if an inmate is placed in segregated housing they will be provided with access to programs, privileges, education, and work opportunities.
- (c) If the Marshall County Correctional Facility signs inmates to involuntary segregated housing, policy requires them to be housed only until an alternative means of separation from likely abusers can be arranged, and assignment does not exceeds 30 days.
- (d) If the facility places an inmate in involuntary segregated housing, the facility will document as required by this provision.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirm by staff interview, there were zero inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment.

**Corrective Action:** None

## Standard 115.51 Inmate reporting

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility's on how inmates are allowed to report sexual abuse and harassment.

### Supporting Documents, Interviews and Observations:

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.003, Access To Media and Foreign National Access To Diplomatic Representative
- MCCF Policy 12.004, Ensuring Safe Prisons
- Memo to Inmate Visitors
- Memo to Staff
- Posters in English
- Posters in Spanish
- Email Notifications Of Tip-Line Calls
- Example of Inmate Call
- Inmate Handbook
- Web Site: Screen –Shot MTC Ethics Hot Line
- Employee Signage – Ethics Hot Line
- PREA Signage
- MTC Website Re: PREA Contact Representative Data
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Facility PREA Compliance Manager
  - o Random Officers
  - o Random Inmates

### Findings (By Provisions):

- (a) Interviews with staff and documentation review indicated that the facility has established procedures allowing for multiple internal ways for inmates to report privately to Marshall County Correctional Facility and MTC officials regarding sexual abuse and sexual harassment, retaliation by other inmates or staff, to include staff neglect or violation of responsibilities that may contributed to PREA incidents. The follow are internal reporting ways:

- Grievance System
- Tell the Case Manager
- Chaplain
- Psychologist

- The Warden or any other staff member they trust
- Write directly to the Warden, Regional Director or Director
- Reporting Ethical Violation Hotline

(b) Interviews with staff and documentation indicated that the facility has established at least one way for inmates to report abuse or harassment to a public or private entity that is not part the agency, and that can receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. The following are external reporting ways:

- Write the office of the Inspector General (OIG)
- Mississippi Coalition Against Sexual Assault

An interview with the Facility PREA Compliance Manager and Memo from the Warden indicated that the Marshall County Correctional Facility is a private contract facility tasked with the obligation to house adult male criminal inmates. The facility does not detain inmates solely for civil immigration purposes. However, if they receive an inmate solely for civil immigration purposes the facility will provide the inmate with information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

#### **Overall Interview Results:**

All nineteen (19) interviewed inmates stated that they had multiple ways to report. Most of the inmates reported that they could communicate with trusted staff, write a written report, or call the hotline. The inmates understood the purpose of the hotline and what to expect if an allegation was reported. One hundred percent (100%) of the inmates expressed feeling comfortable to talk with staff and that staff were responsive to their concerns. Only two (2) inmates were unaware if they could make a report without having to provide their name.

A majority of the interviewed staff reported that they have multiple means to privately report sexual abuse or harassment. Such reporting opportunities included the hotline number, shift supervisor, written statement, Human Resources, administrative or medical staff. Two (2) of the staff were only aware of one reporting, process but not multiple means to report.

The interviewed line staff reported that the inmates can privately reporting by using an inmate statement form, the hotline number, grievance, security or medical staff, family, or friends. Such reports can be made verbally or in writing. All of the interviewed line staff reported that if an inmate verbally or in writing reports sexual abuse or harassment the allegation is taken seriously and responded to immediately.

As previously stated, two (2) inmates disclosed that they have reported to authorities, either in person or in writing, that they had been sexually abused or harassed while at the facility.

**Corrective Action:** None

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility's efforts in how inmates may use the grievance system for PREA allegations.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.006, Grievance Procedures
- MCCF Inmate Handbook
- Memo From ARP Coordinator
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Inmates Reported Sexual Abuse

**Findings (By Provisions):**

- (a) The Marshall County Correctional Facility has an administrative process to address inmate grievances regarding sexual abuse.
- (b) Time limits and informal grievances:
  - 1. The facility does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse. An inmate can submit a grievance any time regardless of when the incident is alleged to have occurred.
  - 2. According to staff interviews, the facility does not require an inmate to use any informal grievance process as it relates to PREA, or to attempt to resolve the issue with staff, for an alleged incident of sexual abuse.
- (c) According to Staff Interviews, the facility ensures that:
  - 1. Inmates who allege sexual abuse submit the grievance without submitting it to a staff member who is involved in the allegation. Grievance forms can be obtained from the case manager, the Grievance Officer or ask any staff members; they may mail it to the warden.
  - 2. The grievance is not referred to a staff member who is involved in the allegation.
- (d) Filing Grievance:
  - 1. Staff interviews indicated that if a resident files a grievance, the facility issues a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Staff interviews indicated no grievances were filed for the past 12 months.
  - 2. An interview with the Grievance Officer indicated that computation of the 90-day time period does not include time consumed by residents in preparing any administrative appeal.
  - 3. MTC policy requires the Marshall County Correctional Facility to notify the inmate in writing when the

organization files for an extension, including notice of the date by which a decision will be made.

(e) Third Parties:

1. Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, are permitted to assist inmate in filing requests for administrative remedies relating to allegations of sexual abuse, and also permitted to file requests on behalf of inmate.
2. If a third party files a request on behalf of an inmate, the facility will 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.

(f) Emergency Grievances:

1. The facility has established procedures for filing emergency grievances alleging that a resident is subject to a substantial risk of imminent sexual abuse.
2. According to interviews, when the facility receives an emergency grievance alleging a resident is at substantial risk of imminent sexual abuse, the staff immediately forwards the grievance for investigations.

(g) Inmate's documentation indicated that the facility may discipline an inmate for filing a grievance related to alleged sexual abuse when the inmate filed the grievance in bad faith.

According to a review of the Pre-Audit Questionnaire and confirmed by staff interviews, in the past 12 months zero grievance were filed alleging sexual abuse.

**Corrective Action:** None

**Standard 115.53 Inmate access to outside confidential support services**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility's effort at providing inmates with access to support services and legal representation.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MOU between MDOC and MS Coalition Against Sexual Assault
- MCCF Offender Handbook

- Memo Notifying Population of Address for Outside Support Services
- PREA Signage
- Memo to Inmates Prior to Hotline
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Random Inmates
  - o Inmates Reported Sexual Abuse

**Findings (By Provisions):**

- (a) The Marshall County Correctional Facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates the mailing address to the Mississippi Coalition Against Sexual Assault and their hotline number. An interview with the Facility PREA Compliance Manager and a Memo from the Warden indicated that the Marshall County Correctional Facility is a private contract facility tasked with the obligation to house adult male inmates.
- (b) The Marshall County Correctional Facility informs inmates prior to them communicating with outside organizations that phone calls may be monitored and that reports of sexual abuse or sexual violence will be forwarded to authorities in accordance with mandatory reporting laws. Inmates receive this information in their Admission and Orientation Booklet.
- (c) The Facility maintains a memorandum of understanding with the Mississippi Coalition Against Sexual Assault. The agreement was entered into on July 20, 2015. The center provides inmates with confidential emotional support services related to sexual abuse. The facility maintains a copy of the agreement of file.

**Overall Interview Results:**

Seventeen (17) interviewed inmates were asked if they were aware of services outside of the facility for dealing with sexual abuse. Two (2) of the inmates stated that they were not aware and two (2) inmates reported being aware but not sure what those services entail. A majority of the remaining interviewed inmates (13) could recall seeing information in the handbook and associated with the toll free hotline number along with mailing addresses for outside counseling services. Over half of those inmates that were aware of services were able to clearly articulate access to the Mississippi Coalition (Rape Crisis Center). Eleven (11) of the thirteen (13) inmates reported that the facility provided mailing addresses and telephone numbers for outside services in the inmate handbook. One hundred percent (100%) of the above referenced inmates reported that the conversation with individuals from outside services would remain confidential. Over half of the inmates also stated that the conversation would probably not remain confidential if someone is being harmed or a person's life is in jeopardy.

Upon observation, the resident handbook provided mailing addresses and telephone numbers for outside victim advocacy and support, the local rape crisis center, and immigrant services. The handbook set up clearly delineated how the inmates could access outside supportive services in a confidential manner, and the inmates reported being informed of the process within 1-3 days of arrival at the facility.

Ten (10) inmates reported that they could access the hotline number at any time. All but one (1) of the interviewed inmates reported that the calls are private and confidential.

Two (2) interviewed inmates reported sexual abuse since being at the facility. Both inmates reported that they did not receive mailing addresses and telephone numbers for outside services after their disclosure. One (1) inmate reported that he was not aware under what circumstances he is able to talk to people who provide outside services.

The inmate also reported that there was no identified perpetrator associated with his allegation and that it was not found that a sexual assault occurred; therefore he did not feel outside services was necessary. The second inmate reported that his allegation occurred prior to the PREA standards and could not recall if outside services was available at that time. Both inmates reported feeling comfortable to discuss the allegations with staff in a respectful and confidential manner.

**Corrective Action:** None

### **Standard 115.54 Third-party reporting**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard requires the facility to establish a third party reporting mechanism for sexual abuse or harassment.

### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Memo to Inmate Visitors
- MTC Website
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews with the following:
  - o Director, Corrections/Corporate PREA Agency PREA Coordinator
  - o Facility PREA Compliance Manager

### **Findings (By Provisions):**

The Marshall County Correctional Facility uses the MTC website page as their method of third-party reporting of sexual abuse and sexual harassment. The public is made aware through a visitor’s information and pamphlet.

Third party information is being provided to all visitors regarding their family members that are incarcerated at the Marshall County Correctional Facility by a memorandum addressed to all visitors. If at any time an inmate makes an allegation of being a victim of a sexual assault or sexual harassment and does not feel comfortable telling, writing, or using the posted hotline #99, the family member can make an official report of the inmate’s behalf by contracting assigned staff. All sexual abuse or sexual harassment reports are done in a discreet manner to not compromise the offender.

**Corrective Action:** None



## Standard 115.61 Staff and agency reporting duties

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard requires the facility to implement staff and facility reporting duties.

### Supporting Documents, Interviews and Observations:

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Orientation Lesson Plan
- Allegation to Local CID
- Statement of Fact: MCCF Does not House Inmates Under the Age of 18
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Random Officers
  - o Medical Staff

### Findings (By Provisions):

- (a) Facility policy requires staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether it is part of the agency; retaliation against inmates or staff who reported the incident; as well as staff neglect or violation of responsibilities that contributed to the incident or retaliation. This policy information was confirmed by staff interviews.
- (b) Facility policy requires, apart from reporting to the designated supervisors or officials and designated state or local services; staff is prohibited from revealing any information related to a sexual abuse incident to anyone other than to make treatment, investigation, and other security and management decisions.
- (c) When sexual abuse incidents occur at the Marshall County Correctional Facility, staff interviews indicated that the facility will report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, initially to the facility's designated investigators.

### Overall Interview Results:

One hundred (100%) of the fifteen (15) staff interviewed reported being aware of the agency's procedure for reporting any information related to an inmate sexual abuse. Interviewed staff could clearly articulate the necessity to report any incident or alleged incident of sexual abuse or harassment immediately. They are aware of various

methods of reporting in writing or verbally to include but not limited to: report to shift supervisor, staff hotline number or medical staff.

**Corrective Action:** None

### **Standard 115.62 Agency protection duties**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard addresses the facility's protection duties.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy, 12.004, Ensuring Safe Prisons
- Statement of Facts
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Senior Vice President MTC Corrections (Agency Head)
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Random Officers

#### **Findings (By Provisions):**

- (a) When the Marshall County Correctional Facility learns that an inmate is at substantial risk of imminent sexual abuse, it takes immediate action by offering the inmate to move to special housing or protection custody until the matter is resolved.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, in the past 12 months there were zero occasions where the facility has determined that an inmate was subject to substantial risk of imminent sexual abuse.

#### **Overall Interview Results:**

All the interviewed staff could articulate the response process if an inmate is at risk of imminent sexual abuse. Many of the staff reported that action is taken immediately to address an inmate who is at risk of sexual abuse by immediately notifying the supervisor, stay with the victim, possibly seek solitary confinement, secure scene,

separate the involved parties, and seek medical care if necessary. Most of the staff reported that information would only be shared with necessary parties.

**Corrective Action:** None

### **Standard 115.63 Reporting to other confinement facilities**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility to report any allegations received from a resident that may have occurred at another confinement facility.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Screening Tool and Accompanying Notification from Mental Health
- Memo to other Facility of Inmate Reporting Sexual Allegation/Assault
- Offender Referral Form
- Mental Health Soap Note
- Mississippi Department of Corrections Detention Notice
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Senior Vice President MTC Corrections (Agency Head)
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden

#### **Findings (By Provisions):**

- (a) The Marshall County Correctional Facility has not received any allegation that an inmate was sexually abused while confined at another facility. Per staff interviews, if the facility did receive an allegation the facility would notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
- (b) The facility provided a blank “72 Hour PREA Notification – Form Letter” that would be generated if an inmate alleged sexual assault or sexual harassment.
- (c) Staff interviews indicated that if receiving allegations were reported from other facilities, they would complete an incident report for investigations.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, during

the past 12 months zero allegations were received by the facility that an inmate was abused while confined at another facility.

**Corrective Action:** None

#### **Standard 115.64 Staff first responder duties**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility’s first responder’s actions.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- First Responder – Training ID Cards
- Coordinated Response Plan – Sexual Abuse
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Random Officers
  - o Security Staff First Response
  - o Non-Security Staff First Response
  - o Inmates Reported Sexual Abuse

#### **Findings (By Provisions):**

- (a) Interviews with staff and staff training indicated when staff learn of an allegation that an inmate is sexually abused, the first security staff to respond separates the victim and abuser; preserves and protects the crime scene; and if the incident occurred within the appropriate time period for the collection of physical evidence, they will request that the alleged victim not take actions that could destroy physical evidence, to include washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (b) According to non-security staff, if they are the first responder they will request that the alleged victim not take any actions that could destroy physical evidence, and notify security staff.

#### **Overall Interview Results:**

Interviews were conducted with fifteen (15) security staff that may be considered first responders. All the interviewed staff consistently reported that the duties of a first responder to include but not limited to: take

immediate action, stay with the inmate, separate the victim from the perpetrator, isolate/secure the scene and secure evidence, call for additional staff, and notify supervisor. Approximately half of the security staff also reported that they would send the victim to medical for an initial evaluation of his/her medical condition.

Two (2) interviewed inmates reported sexual abuse since their arrival at the facility. Both inmates stated that after making report of sexual abuse or harassment staff responded immediately. One (1) inmate reported that staff immediately took him to medical and administrative staff to file the report. The second inmate reported that he was questioned about what happened, evidence was gathered, and he was separated from the perpetrator.

**Corrective Action:** None

### **Standard 115.65 Coordinated response**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility to have a coordinated response plan for sexual abuse.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Coordinated Response Plan
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden

#### **Findings (By Provisions):**

The facility policy response protocol provided guidelines for staff a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff were first responders, medical and mental health practitioners, investigators, and facility leadership.

**Corrective Action:** None

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard is not applicable because there are no collective bargaining units or unions operating at facility or agency.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 08.034, Special Management Offenders
- Statement of Fact
- MTC MOU
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Senior Vice President MTC Corrections (Agency Head)
  - o Sr. Director, Management & Operations and MTC PREA Coordinator

#### **Findings (By Provisions):**

- (a) Staff interviews and documentation indicated that the Marshall County Correctional Facility current contractual obligations with the Mississippi Department of Corrections are not dependent upon union contracts or collective bargaining agreements. For the period of March 1, 2014 through August 2016 the facility nor Management and Training Corporation (MTC) has entered into any collective bargaining agreements or any other agreement that would limit MTC's ability to remove alleged staff sexual abusers from contact with inmates.

**Corrective Action:** None

### **Standard 115.67 Agency protection against retaliation**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility in its effort to protect inmates and staff from retaliation.

**Supporting Documents, Interviews and Observations:**

- 903E.02 Ensuring Safe Prisons
- MCCF Policy 08.034, Special Management Offenders
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Investigation Report
- Memo: 90 Day Review
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Senior Vice President MTC Corrections (Agency Head)
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Monitoring Retaliation
  - o Inmates Placed in Segregated Housing
  - o Inmates Reported Sexual Abuse

**Findings (By Provisions):**

- (a) The Marshall County Correctional Facility prohibits retaliatory behavior by inmates or staff in regards to the reporting of sexual abuse, sexual harassment or cooperation with investigators as it relates PREA related incidents and allegations. Inmate rights documentation and staff policy establishes expected conduct. The facility PREA Compliance Manager is responsible for monitoring retaliation along with special investigations personnel to investigate and monitor inmates as it relates to PREA allegations and incidents.
- (b) The facility has several protection and reporting measures, for inmates. They can utilize the “Grievance Program” to document retaliatory acts or other PREA related concerns and issues. The process is over-seen by the facility Grievance Investigator who works in concert with the facility administrators and facility investigators to ensure privacy and policy compliance. The facility has the option to change inmate housing or transfer 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.
- (c) The facility reported that there is no retaliation for this audit reporting period. However, if the facility were to have issues with retaliation the policy will guide them on this standard. For example, for at least 90 days following a report of sexual abuse, the facility monitors the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and act promptly to remedy any retaliation. Items the facility should monitor include inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The facility continues monitoring beyond 90 days if the initial monitoring indicates a continuing need.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, there were zero incidents of retaliation that occurred in the past 12 months.

**Corrective Action:** None

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard gives guidelines on inmate restrictive housing.

**Supporting Documents, Interviews and Observation:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Policy 08.034 Special Management Offenders
- Detention Notice
- Housing Detail Report
- Investigation Report
- Statement of Fact
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Staff Supervise Inmates In Segregated Housing
  - o Inmates Placed in Segregated Housing

**Findings (By Provisions):**

- (a) The facility’s use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse is based on the requirements of standard 115.43. Interviews and documentation review at the Marshall County Correctional Facility indicated that inmates at high risk for sexual victimization are prohibited from being placed in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Interviews also reveal that if an assessment cannot be immediately completed, the facility will hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.

**Corrective Action:** None

**Standard 115.71 Criminal and administrative agency investigations**

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



**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility in regards to administrative and criminal investigations.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 08.036, Searches, Preservation of Evidence/Control and Disposition of Contraband
- Mississippi Department of Corrections SOP #20-06-01, Searches and Preservation of Evidence
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Investigator Training record
- Investigation (Example)
- Statement of fact
- Meeting Sign-In Sheet
- Certificate of Completion
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Facility PREA Compliance Manager
  - o Investigator
  - o Inmates Reported Sexual Abuse

**Findings (By Provisions):**

- (a) Interviews with the Facility PREA Investigator indicated that when they conduct investigations into allegations of sexual abuse and sexual harassment, they do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- (b) The Marshall County Correctional Facility uses investigators who have received special training in sexual abuse investigations. The Facility PREA Investigators and the Mississippi Department Investigators have completed the PREA Investigation Protocols.
- (c) Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
  - Administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse and documented description of the physical and testimonial evidence, and investigative facts and findings.
- (d) When outside Departments investigates sexual abuse, the Marshall County Correctional Facility cooperates with investigators and endeavors to remain informed about the progress of the investigation.

**Overall Interview Results:**

The two (2) interviewed inmates reported that they were not required to take a polygraph test in reference to the sexual abuse allegation.

**Corrective Action:** None

**Standard 115.72 Evidentiary standard for administrative investigations**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard is related to the evidentiary standard used for administrative investigations.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MCCF Policy 08.036, Searches, Preservation of Evidence/Control and Disposition of Contraband
- Mississippi Department of Corrections SOP #20-06-01, Searches and Preservation of Evidence
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Investigation (Sample)
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Investigator

**Findings (By Provisions):**

- (a) The Marshall County Correctional Facility and the Mississippi Department of Corrections investigators impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**Corrective Action:** None

**Standard 115.73 Reporting to inmates**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard establishes the reporting process relating to the outcome of an investigation.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Investigation Reports
- Statement of Fact
- Inmate Notification
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Investigator
  - o Inmates Reported Sexual Abuse

**Findings (By Provisions):**

- (a) After investigating an inmate’s allegation that he has suffered sexual abuse, the facility has a process in place to inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the allegation was against a staff, then the inmate is informed per the provisions of this standard.
- (b) When the Marshall County Correctional Facility notifies inmates, it uses the Notification of Outcome of Investigation letter as its documentation.

**Overall Interview Results:**

Neither inmate could recall if the staff notified them of the results of the investigation for sexual abuse allegation. It should be noted that one of the inmate’s allegations occurred prior to the implementation of the PREA standards. According to one of the interviewed inmates the allegation of sexual abuse was found unsubstantiated because there was no known perpetrator and it was found to be a separate medical condition.

One of the inmates stated that he felt because the allegations of sexual harassment were made prior to the implementation of PREA standards his case was “pushed under the rug”. Nothing else happened to the accused and the victim did not want to make more “noise” about the matter. The victim reported that “he thought the facility did as good as they could”. No other issues of sexual harassment or misconduct occurred.

**Corrective Action:** None

**Standard 115.76 Disciplinary sanctions for staff**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility's efforts at disciplining staff who have violated the requirements of PREA.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MTC Policy 203.1, Rules of Conduct
- MCCF Policy 03.002, Rules of Conduct
- MCCF Policy 12.004, Ensuring Safe Prisons
- Memo: Notification to Offender
- Statement of Fact
- MTC Employee Termination
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden

**Findings (By Provisions):**

- (a) MTC and the Marshall County Correctional Facility policies requires staff to be disciplinarily sanctioned up to and including termination for violating sexual abuse or sexual harassment policies, and termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- (b) Disciplinary sanctions for violations of policies relating to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the allegations committed, the staff disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (c) According to staff interviews all terminations for violations of facility sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

**Corrective Action:** None

**Standard 115.77 Corrective action for contractors and volunteers**

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

**Auditor discussion, including 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 standard. These**

**recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard provides guidance to the facility as it relates to disciplinary sanctions against a contractor or volunteer.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MCCF Policy 03.002, Rules of Conduct
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MCCF Policy 07.001, Volunteer Programs
- PREA Acknowledgement Statement
- Statement of Fact
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden

**Findings (By Provisions):**

- (a) Staff interviews indicated that any contractor or volunteer who engages in sexual abuse are prohibited from contact with inmates and are reported to law enforcement. The Marshall County Correctional Facility investigates all alleged sexual abuse and harassment by Management and Training Corporation (MTC) and contract employees. Upon knowledge of an alleged sexual abuse claim the Mississippi Department of Corrections is notified regarding information relating to abuse allegation. If a volunteer or contract staff is under investigation for alleged inmate sexual abuse or sexual harassment the individual is placed on paid administrative leave pending the outcome of the investigation.

According to a review of the Pre-Audit Questionnaire Adult Prisons & Jails and confirmed by staff interview, in the past 12 months, zero contractors/volunteers were reported to law enforcement for engaging in sexual abuse of inmates.

**Corrective Action:** None

**Standard 115.78 Disciplinary sanctions for inmates**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility’s disciplinary sanctions against inmates for violation of sexual abuse or harassment of staff or an inmate.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- MDOC Disciplinary Rule Violations and Sanctions
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Medical Staff
  - o Mental Health Staff

**Findings (By Provisions):**

- (a) The Marshall County Correctional Facility has a formal inmate disciplinary process when an inmate is subject to a disciplinary sanction following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- (b) The disciplinary process allows sanctions to 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 within the facility.
- (c) The Marshall County Correctional Facility inmate disciplinary process consider whether an inmate’s mental disabilities or mental illness contributed to his behavior when determining what type of sanction should be imposed. The facility offers counseling and other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility considers whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.
- (d) Staff interviews indicated for the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, if an investigation does not establish evidence sufficient to substantiate the allegation.

**Corrective Action:** None

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility on conducting medical and mental health screening and history of sex abuse.

### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- MCCF Policy 12.004, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- Risk Assessment and Referral to Psychology for Prior Victim/Perpetrator
- Screening for Risk of Victimization and/or Abusiveness Form
- Medical/Mental Health Offered Form
- Medical Consent Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Medical Staff
  - o Staff Screening for Risk of Victimization and Abusiveness
  - o Inmates Disclosed Sexual Victimization

### **Findings (By Provisions):**

- (a) Staff interviews and documentation review indicates that inmates that have experienced prior sexual victimization, whether it occurred in an institutional setting or in the community are offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Trained Health Services staff performs the screening in a confidential manner. A mental health professional offers an inmate with a history of sexual victimization or sexual abusiveness a follow-up meeting within 14 days of the intake screening.
- (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, staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
- (c) According to the Marshall County Correctional Facility staff indicated that if an inmate reports a history of sexual abuse or sexual abusiveness appears at risk for victimization, security and case management are notified. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is limited to need-to-know staff only for the purpose of treatment and security and management decisions, such as housing and cell assignments, as well as work, education and programming assignments.
- (d) The Marshall County Correctional Facility uses the Screening for Risk of Victimization and Abusiveness Form and the Consent to Medical, Dental and Mental Health Services 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.

### **Overall Interview Results:**

One (1) inmate was interviewed that disclosed prior sexual victimization. The inmate recalled speaking with staff upon admission about prior victimization however could not recall further discussing with medical staff. He stated that he received information in the orientation handbook and video and felt safe at the facility.

**Corrective Action:** None

### **Standard 115.82 Access to emergency medical and mental health services**

- Exceeds Standard (substantially exceeds requirement of standard)

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility in providing access to emergency medical health services.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Medical Referral
- Pre-Segregation Form
- Medical/Mental Healthcare Form
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Medical Staff
  - o Inmates Reported Sexual Abuse

**Findings (By Provisions):**

(a) At the Marshall County Correctional Facility 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. Alleged victims of sexual assault are promptly triaged at the Health Services Unit. Information is gathered and a brief examination of physical injury will take place, taking care to preserve medical evidence. The Health Services staff person is consulted to determine if transfer to an emergency department is required.

If the inmate is medically stable, the inmate is requested to consent to a full physical examination off-site after triaging. A written consent is required before the exam, collection of evidence, or treatment can begin. The inmate is then transferred by MTC vehicles, if possible, to local hospital for the sexual assault exam. Rape crisis volunteers are also available if needed.

(b) Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. The facility offer prophylactic treatment and follow-up for sexually transmitted and other communicable diseases to all victims, as appropriate.

(c) Treatment services are 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.

**Overall Interview Results:**



Both inmates who reported sexual abuse since their arrival at the facility stated that they were seen by medical immediately after reporting the allegations. The two (2) interviewed inmates stated that they were not provided information about emergency contraception and or sexually transmitted infection (STI) prophylaxis; as their allegation of abuse did not warrant the need for such medical attention.

**Corrective Action:** None

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

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility's ongoing medical and mental health care for sexual abuse victims and abusers.

#### **Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prison
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Risk Assessment: Statement of Fact
- Psychology Follow-up: Statement of Fact
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Mental Health Staff
  - o Inmates Reported Sexual Abuse

#### **Findings (By Provisions):**

- (a) The Marshall County Correctional Facility offers medical and mental health evaluation and provides treatment to all inmates who have been victimized by sexual abuse.
- (b) Staff interviews indicated that evaluations and treatment of victims include follow-up services, treatment plans, referrals for continued care following inmates transfer to, or placement in, other facilities, or their release from custody.
- (c) The facility provides victims with medical and mental health services consistent with the community level of care.
- (d) Staff interviews indicated that inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate.

- (e) MTC policy requires facility treatment services provided to victims without financial cost.
- (f) The facility conducts a mental health evaluation of inmate-on-inmate abusers upon learning of abuse history and offers treatment. If the inmate reports history of sexual abuse or abusiveness appears at risk for victimization, security and case management are notified.

**Overall Interview Results:**

The two (2) interviewed inmates stated that they were not offered tests for sexually transmitted infections (STI) as their allegation of abuse did not warrant the need for such medical attention. One out of the two interviewed reported that he received a bill for the associated medical care however the bill was taken to the Warden, for the facility to pay.

**Corrective Action:** None

**Standard 115.86 Sexual abuse incident reviews**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility’s efforts at reviewing and sexual abuse incident that occurred at the facility.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- MCCF Policy 12.004, Ensuring Safe Prisons
- Memo: Review Team
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden
  - o Facility PREA Compliance Manager
  - o Incident Review Team

**Findings (By Provisions):**

- (a) Staff interviews indicated that if the facility had a sexual abuse, the facility will conduct a sexual abuse incident review after every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been unfounded. Investigations reviews occur within 30 days of the conclusion of the investigation. The facility provided PREA Team Review Meetings as review documentation.
- (b) The review team includes upper-level management officials: the Associate Wardens, Captain, SIS staff,

Health Service Administrator, and Psychologist, and other staff as deemed necessary by the Warden.

- (c) According to interviews the review team will use the information from the sexual abuse incident review to identify any policy, training, or other issue related to the incident that indicated a need to change policy or practice.

**Corrective Action:** None

### **Standard 115.87 Data collection**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard guides the facility in its data collection efforts.

### **Supporting Documents, Interviews and Observations**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Mississippi Department of Corrections SOP #20-14-01, PREA
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Statement of Fact
- Offender Referral Form
- MTC PREA Statistics
- Interviews with the following:
  - o Management & Operations (Agency PREA Coordinator)
  - o Sr. Director, Management & Operations and MTC PREA Coordinator

### **Findings (By Provisions):**

- (a) MTC collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions as required by MTC Policy, 903E.02, Ensuring Safe Prisons. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. MTC aggregates the incident-based sexual abuse data at least annually and generates a comprehensive and informative annual report. Each MTC facility is required by policy to maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.

Interviews indicated MTC has a very sophisticated data system enabling the company to collect and report accurate data to answer all questions on the Survey of Sexual Violence and the system is set up to answer them sequentially. Additionally, the system has the capability for generating valuable reports including the following: PREA Allegations and Investigations Summary Report, PREA Allegations and Investigations Report by Site, Investigations by Facility, Master Investigation Log, Master Investigation Log by Site and others.

The reviewed 2015 MTC Annual Report was comprehensive and detailed and included Demographics of MTC Operated Facilities as well as detailed PREA Data.

- (b) The agency aggregated incident-based sexual abuse data at least annually.
- (c) The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- (d) The agency maintains, reviews, and collects data as needed from all available incident- based documents, including reports, investigation files, and sexual abuse incident reviews.
- (e) The agency also obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.
- (f) Upon request, the agency will provide all such data from the previous calendar year to the Department of Justice no later than June 30.

**Corrective Action:** None

**Standard 115.88 Data review for corrective action**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility efforts at reviewing data for corrective action.

**Supporting Documents, Interviews and Observations:**

- MTC Policy 903E.02, Ensuring Safe Prisons
- Annual PREA Report
- Alleged Incident Reports
- Statement of Facts
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- MTC PREA Statistics
- Interviews with the following:
  - o Senior Vice President MTC Corrections (Agency Head)
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Facility PREA Compliance Manager

**Findings (By Provisions):**

- (a) The MTC and the Marshall County Correctional Facility review data collected and aggregated pursuant to § 115.87 to assess and improve the effectiveness of the facility's sexual abuse prevention, detection, and response policies, practices, and training, including by identifying problem areas, taking corrective action on an ongoing basis. Interviews reveal that the MTC prepares an annual report of its findings and corrective action that includes the Marshall County Correctional Facility and the agency.
- (b) The report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of the agency's progress in addressing sexual abuse.
- (c) The report is approved by the MTC agency head and made readily available to the public through its website.
- (d) The MTC redacts specific material from the reports that would present a clear and specific threat to the safety and security of a facility.

**Corrective Action:** None

**Standard 115.89 Data storage, publication, and destruction**

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

**Auditor discussion, including 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 standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.**

This standard directs the facility in its efforts to comply with data storage, publication, and destruction of records related to PREA.

**Supporting Documents, Interviews and Observations:**

- Management & Training Corporation (MTC) Policy Serial Number 903E.02 (August 1, 2016)
- Mississippi Department of Corrections SOP #20-14-01, PREA
- PREA Audit: Pre-Audit Questionnaire / Adult Prison & Jails
- Interviews with the following:
  - o Sr. Director, Management & Operations and MTC PREA Coordinator
  - o Acting Facility Warden

**Findings (By Provisions):**

- (a) MTC's (the parent company) aggregated sexual abuse data from the Marshall County Correctional Facility (under its direct control) is made readily available to the public at least annually through its website. Before making aggregates sexual abuse data publicly available MTC removes all personal identifiers
- (b) MTC Maintains sexual abuse data collected for at least 10 years after the date of initial collection.

**Corrective Action:** None

**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.

Adam T. Barnett, Sr.

June 16, 2017

Auditor Signature

Date