

AUDIT FINDINGS

NARRATIVE

The Prison Rape Elimination Act (PREA) on-site audit of the Ada County Jail in Boise, Idaho was conducted on October 3 - 6, 2016 by Cynthia Malm from ██████████ Idaho, a U.S. Department of Justice Certified PREA auditor for adult facilities. Pre-audit preparation included a thorough review of all documentation and materials submitted by the facility on a flash drive along with the data included in the completed Pre-Audit Questionnaire. The auditor reviewed documentation that included county policies and procedures, agency policies and procedures, jail policies and procedures, risk assessments, forms, education materials, training curriculum, organizational charts, mission statements, posters, inmate handbooks, flyers, website information, and other PREA related materials that were provided to demonstrate compliance with the PREA standards. This review prompted a series of questions that were noted on the auditor's compliance tool and the auditor posed the questions to the PREA Coordinator and PREA Compliance Manager at the on-site audit.

An entrance meeting was held on the first day of the audit at 8:30 with Lieutenant Aaron Shepherd, Support Services Lieutenant of the Ada County Sheriff's Office. Lt. Shepherd provided the auditor a list of all of the staff of the facility and their schedules, including specialized staff, and a list of all of the inmates in the facility and where they were housed. The auditor explained the process of the audit and answered any questions the agency had about the audit process.

During the four days of the on-site audit, the auditor was provided a private room in the facility from which to work and a conference room in the administrative area outside the jail to conduct confidential interviews of staff. The auditor was also provided a private interview room within the security perimeter of the jail, to conduct confidential interviews with inmates. Formal personal interviews were conducted with facility staff, inmates, and contract employees. The auditor interviewed a total of twenty four inmates who were randomly selected from each of the fifteen housing units in the jail. The auditor took the list of inmates and pointed to the name of an inmate or inmates in each housing unit to make the random selection. The auditor selected the number 24 by deciding to interview 2.5 % of the inmate population on the first day of the audit. No one in the facility encouraged the auditor to select or not select any specific inmate. Interviews included youthful inmates, disabled inmates, non-English speaking inmates, inmates who had been in segregated housing for risk of victimization, and inmates who had reported a sexual abuse while incarcerated. The auditor was given a list of all of the inmates in the facility who met the criteria of the previous categories and the auditor selected from that list who to interview. Again, no staff member either encouraged or discouraged the auditor from talking to anyone in the facility. There were no transgender or intersex inmates in the facility to interview. Inmates were interviewed using the recommended DOJ protocols that question their knowledge of a variety of PREA protections, generally and specifically, their knowledge of reporting mechanisms available to residents to report abuse or harassment. All of the inmates interviewed acknowledged that they had received training on PREA shortly after booking by watching a video and received an inmate handbook that contained information on how to report a sexual abuse or sexual harassment. All inmates said they felt safe in the Ada County Jail and the deputies respond quickly and professionally to any problems.

The auditor interviewed thirty five staff members representing two shifts (1st shift 7:00 a.m. to 7:00 p.m. on Monday of the audit and a different 1st shift (7:00 a.m to 7:00 p.m.) on Tuesday of the audit. Included in the thirty five interviews were specialty staff, including shift sergeants, a lieutenant, medical and mental health personnel, contract staff, food service staff, program staff, human resources staff, investigative staff, intake and screening staff, classification, and first responders. Also interviewed were Sheriff Stephen Bartlett, Bureau Director Scott Johnson, PREA Coordinator Chad Sarmento, and PREA Compliance Manager, Emily Durbin. Staff were interviewed using the DOJ protocols that question their PREA training and overall knowledge of the agency's zero tolerance policy, reporting mechanisms available to inmates and staff, the response protocols when an inmate alleges sexual abuse or sexual harassment, and first responder duties. There are no SAFE or SAN employees at the facility as they are made available at the St. Alphonsus Hospital in Boise, Idaho. All staff were very knowledgeable about PREA and their responsibilities in preventing, detecting, and reporting sexual abuse and sexual harassment. All confirmed that they have extensive yearly training on those responsibilities. The auditor reviewed random staff training records, rosters for attendance at PREA training and the curriculum taught at the training to determine compliance with training mandates. The auditor also reviewed background check procedures for hiring. Case files for several inmates in the facility were reviewed on the computer to evaluate screening and intake procedures, inmate education, and inmate signatures of acknowledgement. Classification records of inmate education, risk assessments, re-assessments and housing decisions were also reviewed.

The auditor toured the facility from 0930 - 12:00 a.m. and continued from 12:45 to 1:30 p.m. on Tuesday of the audit and was escorted by Lt. Aaron Shepherd, Support Services and Sgt. Joe DeRosier. During the tour, the auditor reviewed the booking process, observed the facility configuration, camera and mirror placement throughout the facility, blind spots, staff placement for supervision of inmates, toilet and shower areas, notices posted throughout the building, laundry, sewing, and kitchen work areas, program areas and documentation to assist in determining compliance with the standards. In the booking room, the auditor observed inmates watching the PREA video in the open seating area. The auditor noted that shower areas allow residents to shower separately and shower stalls have either shower curtains or partial barriers for privacy that only allow sight of the feet and head of anyone showering. Toilet areas have barriers that limit viewing and many of the cells are wet cells that have toilets inside the cell that can't be seen from the cell door. The auditor reviewed the camera views in Central Control and verified that toilets and showers were not monitored by the cameras. Notices of the PREA audit were posted throughout the facility in the dayrooms. During the tour, the auditor was given privacy to talk informally to staff and inmates in the booking room, housing units, program areas, and work areas. The auditor interviewed several staff members working their posts to ask questions about their positions, procedures in their areas, and how their areas contributed to protection from sexual abuse and sexual

harassment.

After the facility tour, the auditor reviewed questions noted on the auditor's compliance tool with Lt. Aaron Shepherd, Emily Durbin, and Sgt. Chad Sarmiento and reviewed additional documentation to verify compliance with the standards.

At the conclusion of the on-site visit, October 6, 5:45 p.m., an exit meeting was held between the auditor, Emily Durbin, and Sgt. Chad Sarmiento to discuss the audit findings and both discussed possible corrective actions that could be taken by the facility to achieve compliance with the standards that were not met.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Ada County Sheriff's Office serves a community of 416,464 people within its county lines.

The Ada County Sheriff's Office operates the Ada County Jail which is a direct/indirect/linear facility with a rated capacity of 1,217 beds. The count on the day of the audit was 975.

The Ada County Jail consists of one building and is located at 7210 Barrister Drive, Boise, Idaho. In 1977, the original structure of the jail was built and could house 160 inmates at a time. Since then, the jail has acquired many additions and upgrades to the building. Currently the facility is 134,000 sq. feet and can house a maximum of 1,217 inmates. The jail houses both male and female inmates and can accommodate youthful inmates when needed.

The Ada County Jail has a staff of 197 full time employees and one part time employee. The full time employees include 3 Lieutenants, 7 sergeants, 150 commissioned deputies, and 37 professional staff. There are 30 thirty professional employees in the health care facility (HSU), 3 part time employees, and two temporary employees for an overall total of 233 employees in the facility. The jail requires a minimum of thirty jail staff on duty during the day shift and a minimum of 28 jail employees on night shift. The jail requires a minimum of 21 jail staff on each shift to be PREA compliant and any number below this would be considered a deviation. Medical staff are on duty 24/7 in the facility and mental health practitioners and social workers are available daily to talk to inmates.

The jail consists of five types of housing structures. Housing units Pod A and B contain dorms 1 – 6 and are all direct supervision open dormitory style housing that house up to 92 inmates each with the exception of Dorm 1 which holds 56 inmates. Pod A hosts Dorms 1, 2 and 3 while Pod B hosts Dorms 4, 5, 6. Dorms 2 and 3 are assigned to female housing only while all other dorms are assigned to male housing. Dorm 1 is a programs dorm assigned to the Transition Jail to Community programs (TJC). There are no single cells in the dorms. Inmates each have their own bed but share a common dayroom area.

The Medium Custody Unit (MCU) contains Dorms 7 and 8 and consists of two story tiers built around a one story dayroom. The maximum capacity for both dorms is 308 beds. Inmates in the dayroom are directly supervised while inmates in the housing units are intermittent supervision by well-being checks completed a minimum of every 30 minutes. Only the dayrooms are monitored by video. The housing units are divided into 4 inmate groups and only one fourth of the unit's capacity are in the dayroom at any one time. Both units are male only and no female inmates have access to the area.

The health care facility (HSU) of the Ada County Jail houses special management inmates and contains three transition dorms (HSU Dorms), each with 14 beds. One unit is for female inmates and the other two are for male inmates. The open design and layout of the unit with the officer's station just outside the units provides for some level of remote supervision. The primary supervision comes from intermittent wherein 30 minute well-being checks are required. Male and female inmates are not allowed to co-mingle. The transition dorms are an area for those inmates with special medical or mental health needs to reside in a group setting that is smaller than and not as difficult on them as 92 person dorms might be. They are also closer to the 24/7 health care staff.

HSU North and South Infirmary are two distinctly separate units with North being for male inmates and South for female inmates. The units contain a combination of single cells and multiple occupancy cells (MOC). Most of the cells have video cameras in them. Inmates with more acute issues that do not allow them to be in transition housing or general population are housed in this area. All classification levels can live in this area and classification separations are maintained as much as possible. Males and females do not co-mingle. The open design of the housing around the dayroom with the officer station in it provides for some level of remote supervision with the primary supervision being given by 15 minute well-being checks. Inmates with very serious issues can be on constant supervision. HSU has its own dedicated control room which can facilitate inmate movement and provide for video monitoring. The HSU clinic is just a clinic and is only staffed when inmates are in the clinic being seen by medical providers, typically during daytime hours only.

The Close Custody Unit (CCU) was the original jail built in 1997 and has since been added onto with the other housing units mentioned. It is a linear jail that holds 100 inmates. It has a combination of single cell tiers and MOC. Most of the MOC cells have video cameras in them. Male and female inmates are housed on the unit but are not allowed to co-mingle and are physically separated. Supervision of the unit is intermittent supervision with 30 minute well-being checks unless more frequent are needed. Housed in CCU are pre-classification inmates and classified special management inmates such as protective custody, discipline, or others that need to be kept separate from the general population.

Pod D (MSU) is the maximum security unit for male inmates and is the newest housing unit, opening in 2014. It is an intermittent supervision unit built in a remote supervision configuration. Housing is on two floors with a single floor dayroom. Each cell can hold up to two inmates and there are a total of 88 beds in the unit. The cells have video cameras in them. On the lower level is a deputy station with open views into the dayrooms and limited open view into the cells. On the second story is a control room staffed by a security control officer (SCSO). This post is mandatory as the SCSO is responsible for inmate and staff movement (operating the doors and monitoring) as well as monitoring inmates via video. The SCSO also has audio contact via the jail speaker systems. Intermittent supervision is accomplished by a jail deputy doing 30 minute well-being checks. High risk maximum security inmates are only let out of their cells one at a time. Lower risk inmates can use the dayrooms two or more at a time.

All housing units have access to outdoor recreation areas and indoor recreation rooms for when there is inclement weather preventing the inmates from being able to access the outdoor recreation areas. There are also several program rooms throughout the facility for the numerous programs that are offered to inmates. All recreation and program areas are on camera view.

The Ada County Jail has a booking/intake room to process all inmates brought to the facility for incarceration. In addition to several cells in the booking area, there is a general waiting area where inmates who are cooperative and low risk of violent behavior can sit and watch TV or make phone calls to try to bond out. The PREA video is also shown in this open seating area.

The kitchen is a direct supervision area with some remote supervision when staff is in the office doing paperwork. The office is elevated above the kitchen and has glass windows so staff can see into the kitchen. There is always a minimum of one Food Service Officer in the kitchen. There are camera views all around the kitchen. A staff dining room is off of the kitchen and no inmates are allowed in the staff dining room.

Laundry and sewing work is done by inmate workers. Laundry runs 24/7 and is supervised by a combination of methods. Monday through Friday dayshift's laundry is supervised by the sewing program officer who also supervises sewing. Sewing is directly across the hall from laundry. Well-being checks are done in laundry and the area has cameras which are monitored by security control staff. The sewing area is typically directly supervised other than when the supervisor does a walkthrough of the laundry room. Sewing does not operate unless the supervisor is available for shift.

Administrative offices are located just outside the secure perimeter of the jail and have quick access to the facility. These offices house the Jail Bureau Director, the three Lieutenants and various administrative services offices. No inmates are allowed access to the administrative offices.

There is a main central control that facilitates the movement in and out of jail as well as within the jail. The control center also provides safety monitoring via the video system in the jail. There is also a hub control during daytime hours to facilitate inmate movement in hallways, monitoring visiting areas, and monitoring inmates in recreation yards. And, MSU has a control station as previously described.

The jail utilizes video monitoring and recording equipment throughout the jail. Around the facility, there are 441 cameras. The only areas of the jail that do not have complete camera coverage are the restrooms and showers which are physically checked through well-being checks for inmate privacy. Cameras in the dorms, MSU, HSU, the recreation yard, the cell blocks in CCU and the entrances of the building all have video coverage that can be viewed on the video system VICON (Vantage Motion Capture Camera). All areas also have call buttons or intercom systems that allow for communication between the inmates and deputies.

SUMMARY OF AUDIT FINDINGS

During the past twelve months, the Ada County Jail reported there were 36 allegations of PREA complaints received:

- (1) One report of possible criminal inmate-on-inmate abuse was referred to the Ada County Detective Division and was substantiated;
- (2) Five reports of criminal inmate-on-inmate abuse were criminal investigations and were unfounded;
- (3) Four reports of possible inmate-on-inmate abuse were administrative investigations within the jail and were unsubstantiated;
- (4) Ten reports of possible inmate-on-inmate abuse were administrative investigations within the jail and were unfounded;
- (5) Three reports of possible inmate-on-inmate abuse were referred as administrative investigations within the jail and found to be consensual between the inmates;
- (6) Three reports of possible inmate-on-inmate sexual harassment were referred for administrative investigations within the jail and were unsubstantiated;
- (7) Ten reports of possible inmate-on-inmate sexual harassment were referred for administrative investigations within the jail and were unfounded.

All administrative investigations are done within the jail by a trained jail investigator. Most criminal reports involving inmate-on-inmate sexual abuse are referred to the Ada County Detective Division for further investigation. Criminal investigations that allegedly involve staff-on-inmate are referred to an outside law enforcement agency selected by the Ada County Sheriff.

All of the interviews with inmates reflected that they received training on PREA shortly after booking by watching a video and received an inmate handbook that contained information on how to report a sexual assault or sexual harassment. All stated that information is posted in the housing unit, in the handbook, and on the phones. All knew they could access a hotline number on the phone. However, most of the inmates were unable to explain to the auditor all the ways to report a sexual abuse or sexual harassment. Many said they knew the information was available and they only had to look at it if needed. All inmates said they felt safe in the Ada County Jail and felt that the deputies would respond immediately to a PREA allegation.

All facility staff interviewed indicated they had received detailed PREA training and could articulate the meaning of the agency's zero tolerance policy and what they were doing to achieve it. Staff was knowledgeable about their roles and responsibilities in the prevention, reporting, and response to sexual abuse and sexual harassment. Staff were able to explain the variety of reporting mechanisms for inmates and staff to use to report sexual abuse and sexual harassment. Staff were also aware of their responsibilities as a first responder to any PREA incident and explained that they have a detailed checklist to follow to keep them on track during and after an incident. There is also a detailed check list for supervisors, investigators, and investigator's interview protocol.

In summary, after reviewing all pertinent information and after conducting inmate and staff interviews, the auditor found that the PREA Coordinator and agency leadership have clearly made PREA compliance a high priority and have devoted a significant amount of time and resources over the last four years to policy development, training of staff, and education of inmates on all aspects of PREA. When confronted with the areas that do not meet standards, the PREA Coordinator and agency leadership began working immediately to implement any corrective action plans that were agreed upon between the agency and the auditor. These immediate actions reinforced the agency's commitment to ensuring the safety of inmates and staff in the Ada County Jail.

OVERALL COMPLIANCE AS REFLECTED IN INTERIM COMPLIANCE REPORT:

Number of standards exceeded: 7

Number of standards met: 33

Number of standards not met: 0

Number of standards not applicable: 3

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.

115.11(a) The Ada County Jail has implemented a zero tolerance policy described in Policy 1.2.25. All interviews reflected that staff and inmates are aware of this zero tolerance policy. The policy contains necessary definitions and sanctions for sexual abuse and sexual harassment. However, the policy does not specifically outline the agency's approach to preventing, detecting, and responding to all forms of sexual abuse and sexual harassment. And, the policy does not contain specific descriptions of the agency strategies and responses to sexual abuse and sexual harassment. Therefore, the auditor finds that this part of the standard does not meet the standard.

115.11(b) The facility has designated an upper-level, agency-wide PREA Coordinator, Sgt. Chad Sarmento, to oversee policy and procedure development and operations in reference to sexual abuse and sexual harassment. The PREA Coordinator reports directly to the Support Services Lieutenant. Sgt. Chad Sarmento indicated that he has sufficient time and authority to develop, implement, and oversee the agency's efforts toward PREA compliance and Sheriff Stephen Bartlett confirmed that Sgt. Sarmento and the jail have full support of the Sheriff's Office in all of their efforts to bring the jail into compliance with the PREA standards.

115.11(c) The Ada County Sheriff's Office operates only one facility but has assigned a PREA Compliance Manager, Emily Durbin, to the facility to assist the PREA Coordinator in PREA related duties. The PREA Compliance Manager reports directly to the Jail Bureau Director and Emily indicated that she has sufficient time and authority to develop, implement, and oversee the agency's efforts toward PREA compliance.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Ada County Jail's Organizational Chart
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
Interview with Sheriff Stephen Bartlett
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should outline in its policies and procedures the facility's approach to preventing, detecting, and responding to all forms of sexual abuse and harassment.
2. The Ada County Jail should add to its policies and procedures specific descriptions of the agency strategies and responses to sexual abuse and sexual harassment.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The PREA policy has been revised to include a comprehensive outline of the agency's approach to preventing, detecting, and

responding to all forms of sexual abuse and harassment.

2. The PREA policy has been revised to add specific descriptions of the agency's strategies and responses to sexual abuse and sexual harassment.

Interviews with Sgt. Chad Sarmiento and Lt. Aaron Shepherd confirmed that the policy has been provided to all detention employees and the employees have been required to read the revised policies.

Upon review of the revised policies and procedures, the auditor finds that the Ada County Jail is now fully compliant with this standard.

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.

115.12(a-b) The Ada County Jail does not contract with external facilities to house or confine any of its inmates and there haven't been any contracts of this type during the twelve months prior to the PREA audit. This standard is, therefore, not applicable to the Ada County Jail.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
Interview with Sgt. Chad Sarmiento, PREA Coordinator

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.

115.13(a) The Ada County Jail ensures that the 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, where applicable, video monitoring, to protect inmates against sexual abuse. The average number of inmates incarcerated in the Ada County Jail during the twelve months prior to the audit was 869 and the staffing plan was predicated on 863 inmates. The staffing plan requires a minimum of 30 jail staff on day shift, and a minimum of 28 jail staff on night shift. The minimum number of staff on the staffing plan required to be PREA compliant is 21 staff each shift. However, the staffing plan states that "the mission of the Ada County Jail drives us to provide a level of service that exceeds meeting bare minimum standards". In calculating adequate staffing levels and determining the need for video monitoring, Lt. Aaron Shepherd and Sgt. Chad Sarmiento, the PREA Coordinator verified that the facility takes into consideration the eleven mandatory elements and considerations required by this PREA Standard:

- (1) Generally accepted detention and correctional practices;
- (2) Any judicial findings of inadequacy;
- (3) Any findings of inadequacy from Federal investigative agencies;
- (4) Any findings of inadequacy from internal or external oversight bodies;
- (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
- (6) The composition of the inmate population;
- (7) The number and placement of supervisory staff;
- (8) Institution programs occurring on a particular shift;
- (9) Any applicable State or local laws, regulations, or standards;
- (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (11) Any other relevant factors.

115.13(b) Lt. Aaron Shepherd and Sgt. Chad Sarmento confirmed there were no deviations from the staffing plan over the 12 months prior to the audit and the facility has in place procedures to ensure all positions are covered with overtime personnel, when necessary, to avoid deviations from the staffing plan. The facility also pulls staff from other Ada County Sheriff's Bureaus and uses sergeants to fill the shifts when necessary. The jail never goes below the minimum number of staff unless a rare occasion happens where exigent circumstances exist. If the staffing plan cannot be met due to exigent circumstances, documentation shall be made utilizing the JMS code for deviations stating the exigent circumstances requiring the deviations.

115.13(c) The staffing plan is reviewed once a year to determine if it is still adequate to meet the needs of the Ada County Jail and protect inmates from sexual abuse. A power point presentation was attached to the documentation addressing the staffing plan made in 2014. Lt. Aaron Shepherd also gave me a PREA staffing analysis that was written within the last year. During the staffing analysis, Lt. Shepherd considered whether the current staffing plan was adequate, what video monitoring systems were in place and if they were sufficient to detect sexual abuse and sexual harassment within the facility. He also reviewed resources available to the facility to ensure adherence with the staffing plan. Lt. Shepherd determined that no changes to the staffing plan were needed. The current staffing plan of the Ada County Jail requires a total 180 commissioned deputies, 68 professional staff, and 6 part time or temporary staff which the Ada County Sheriff's Office has provided to the facility.

115.13(d) The Ada County Jail has detailed in Policy 1.2.25 the practice of having intermediate-level or higher level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. The auditor reviewed the documentation of unannounced supervisor rounds and confirmed that the rounds are done randomly on all shifts. This was also verified through informal interviews with staff at their posts during the audit tour and through formal interviews with random staff and supervisors. Interviews also confirmed that the rounds are unannounced and staff are prohibited from alerting other staff that the rounds are taking place.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

- Ada County Jail Policy 1.2.25
- Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
- Idaho Jail Standards
- Ada County Jail Staffing Plan
- Power point presentation of the 2014 annual review of the Ada County Jail Staffing Plan
- PREA Staffing Analysis
- Documentation evidencing the conduct of unannounced supervisor rounds on every shift
- Informal interviews with staff during the audit tour
- Formal interviews with random staff and intermediate or higher level staff
- Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
- Interview with Lt. Aaron Shepherd
- Ada County Jail population report for 2015 and 2016

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.

115.14(a) The Ada County Jail has detailed in Policy 3.2.10 how a youthful inmate would be housed in the facility. If a youthful inmate is placed in the Ada County Jail, the Jail will not place the inmate in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters. There is no designated housing unit for the youthful inmate but currently the jail is housing two youthful inmates in the health care facility. The Ada County Jail works diligently with the courts to transfer youthful inmates in the facility to a juvenile facility but, occasionally, have to house them for short periods of time until the transfer is granted.

115.14(b) Referring to Policy 3.2.10, the Ada County Jail will either maintain sight and sound separation between youthful inmates and adult inmates in areas outside of housing units or will provide direct supervision when youthful inmates and adult inmates have sight, sound, or physical contact.

115.14(c) The Ada County Jail has detailed in Policy 3.2.10 that the Jail will make its best efforts to avoid placing a youthful inmate in segregation to comply with this standard. Absent exigent circumstances, the facility does not deny youthful inmates daily large-muscle exercise and any legally required special education services while in the facility. The policy states that youthful inmates are given access to other programs and work opportunities to the extent possible.

At the time of the audit, there were two youthful inmates in custody and they were housed in the Health Unit together in a cell. Documentation showed that both inmates participate in education programs and recreation regularly. There are no work opportunities available as all work areas contain adult inmates. Interviews with the youthful inmates in their housing confirmed that they are not in sight of adult inmates and do not share common areas, showers or sleeping quarters. Whenever they go to programs or to recreation, they stated they are escorted through the hallways by deputies. The youthful inmates stated that the only time they hear adult inmates is when the adult inmate is pounding loudly on a door. The auditor toured the health unit and found the unit provides the sight and sound separation needed to be in compliance with this standard. There is also a staff member in the unit at all times.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

- Ada County Jail Policy 3.2.10
- Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
- Interviews with random staff
- Interviews with youthful inmates
- Housing area of youthful inmates
- Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
- Ada County Population Report for 2015 and 2016

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.

115.15(a) The Ada County Jail’s Policy 1.2.25 and Ada County Sheriff’s Office Policy 902.4 confirm that cross gender strip searches are prohibited unless exigent circumstances exist. Only medical practitioners can perform intrusive or invasive body cavity searches under all

circumstances. There were no cross gender strip searches done in the 12 months prior to the audit for the auditor to review.

115.15(b) The Ada County Sheriff's Office Policy 902.4 states all searches should be done by a member of the "same sex as the inmate being searched except in exigent circumstances". In the past 12 months, no cross gender pat down searches have been done on female inmates. Interviews with female inmates and random staff confirmed that female deputies conduct all pat down searches of female inmates and the facility does not restrict female inmate's programming or other out-of-cell activities when a female deputy is not available to conduct a pat down search. However, the auditor did not find in either policy any statement about not restricting female inmate's programming or other out-of-cell activities when a female deputy is not available to conduct a pat down search. There also wasn't any description of exigent circumstances in the policy or who can authorize a cross gender pat down search of female inmates.. Therefore, the auditor finds that the Ada County Jail does not meet this part of the standard.

115.15(c) The Ada County Jail requires that all cross gender strip searches of male and female inmates, cross gender visual body cavity searches of male and female inmates and all cross gender pat down searches of male and female inmates must be documented. Written documentation of the search will be included in the inmate's JMS file.

115.15(d) Ada County Jail policy and practice ensures that inmates are able to shower, perform bodily functions, and change clothing with privacy. Interviews with random inmates revealed that the inmates are being provided this privacy in the housing units. Policy does not include a description of exigent circumstances that may prevent this privacy and the policy does not state that it includes viewing via video camera. Policy requires announcements when staff of the opposite gender enter the housing unit and the shower/toilet areas and state it is logged with the appropriate JMS code. Interviews with inmates and staff varied a great deal on whether or not this is practice and how it is done. Most stated that a one time announcement is done at the beginning of each shift that states that males and females are on duty during the shift and may be entering the housing area at any time. Some deputies state that they do individual announcements each time they enter a housing unit of the opposite gender. Some inmates stated that announcements are never made. Deputies in direct supervision dorms are assigned to the dorm all day and make one announcement at the beginning of their shift that they will be in the dorm the entire shift. Single announcements at the beginning of the shift are not enough to satisfy this standard except when the person making the announcement is going to be assigned to the housing unit the entire shift. However, at any time, the status quo of the deputy changes, a new announcement must be done. The auditor finds that the Ada County Jail does not meet this part of the standard.

115.15(e) Ada County Jail policy and practice prohibit searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. Interviews with staff confirmed they knew the policy and agreed that no searches of this type have been done.

115.15(f) The Ada County Jail has provided training to 100% of the staff regarding how to conduct cross gender pat down searches and searches of transgender and intersex inmates in a professional manner. The last training session was two weeks prior to the audit and the staff were required to watch the NIC online video. Staff have also had the training through their classroom yearly PREA training and interviews with staff confirmed both trainings. The curriculum for this training was attached to the documentation

There were no transgender or intersex inmates in the facility at the time of the audit.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25 and Ada County Sheriff's Office Policy 902.4
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
Interview with Lt. Aaron Shepherd
Interviews with random inmates and staff
PREA training curriculum
Search Procedures training curriculum
Training rosters of staff

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should add to its policy that the facility does not restrict female inmate's programming or other out-of-cell activities when a female deputy is not available to conduct a pat down search.
2. The Ada County Jail should add to its policy a description of exigent circumstances that would allow a cross gender pat down search of female inmates.
3. The Ada County Jail should add to its policy who can authorize a cross gender pat down search of female inmates.
4. The Ada County Jail should add to its policy a description of exigent circumstances that would allow cross gender staff to view

inmates showering, changing clothes or using the toilet.

5. The Ada County Jail should add to its policy that viewing inmates showering, changing clothes or using the toilet is prohibited by viewing via a video camera.
6. The Ada County Jail should develop a consistent practice for staff to announce themselves when entering a housing unit of the opposite gender of inmates and should put that practice into the policy.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County PREA policy has been revised to prohibit the facility from restricting female inmate's programming or other out-of-cell activities when a female deputy is not available to conduct a pat down search.
2. The Ada County Jail has added to its policies a description of exigent circumstances that would allow a cross gender pat down search of female inmates.
3. The Ada County Jail has added to its policies who can authorize a cross gender pat down search of female inmates.
4. The Ada County Jail has added to its policies a description of exigent circumstances that would allow cross gender staff to view inmates showering, changing clothes or using the toilet.
5. The Ada County Jail has added to its policies that viewing inmates showering, changing clothes, or using the toilet is prohibited by viewing via a video camera.
6. The Ada County Jail has added to its policy that staff will announce themselves when entering a housing unit of the opposite gender of inmates.

Interviews with Sgt. Chad Sarmiento and Lt. Aaron Shepherd confirmed that the policy has been provided to all detention employees and they have been required to read the revised policies.

Interviews with random staff confirmed that they are making the cross gender announcements when entering the housing unit of inmates of the opposite gender as the staff member.

The auditor observed random staff working their posts and making the cross gender announcements.

After reviewing the revised policies and procedures, conducting interviews, and observing staff working their posts, the auditor finds that the Ada County Jail is now fully compliant with this standard.

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.

115.16(a) The Ada County Jail Policy 1.2.25 and Ada County Sheriff's Policy 370.1 ensures that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The steps include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, giving them the information to read and, if they can't read, providing access to interpreters from either staff or Ada County Court Services who can

interpret effectively, accurately, and impartially. A staff member will read the information on reporting and responding to sexual abuse or sexual harassment to inmates who have low vision or are blind and the inmate handbook can be printed in large print editions, if necessary. The Ada County Jail has mental health practitioners and social workers on staff who can effectively communicate with inmates with psychiatric, intellectual or speech disabilities. All staff receive yearly training on PREA compliant practices for inmates with disabilities and inmates with limited English proficiency in their PREA training. There were no inmates with disabilities that would limit their ability to understand the procedures for reporting sexual abuse or sexual harassment in the facility at the time of the audit.

115.16(b) The Ada County Jail has established procedures to provide inmates with limited English proficiency equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The auditor reviewed the various procedures used and the documentation. Flyers explaining the inmate's right to be free from sexual abuse and sexual harassment are available in a Spanish version. Posters in both English and Spanish are in tamper proof casings in the housing unit and explain how to report a sexual abuse or sexual harassment. Inmate handbooks are also available in both English and Spanish. The agency has a written agreement with a language line that provides immediate translation services via the telephone for many languages. All jail staff have access to the language line and interviews with staff confirmed that they know how to use the language line. There was one limited English proficient inmate who spoke Spanish in the facility at the time of the audit and a deputy interpreted for the interview.

115.16(c) Ada County Jail Policy 1.2.25 prohibits the facility from using inmate interpreters, readers, or other inmate assistants except in limited circumstances where safety could be compromised waiting for other assistance. The Ada County Jail reports that there have been no instances in the past 12 months where inmate interpreters have been used. Interviews with random staff confirmed that inmate interpreters are not used unless there are exigent circumstances and no one could remember a time that inmate interpreters were used.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25 and Ada County Sheriff's Office Policy 370.1
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
Interviews with random facility staff
Interview with Sheriff Stephen Bartlett
Samples of PREA posters, inmate handbook and flyer translated into Spanish
Documentation on using the language line
Yearly PREA training curriculum for staff

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.

115.17(a) Ada County Sheriff's Office prohibits the hiring, promotion or retention of any employee who may have contact with inmates and will not enlist the services of any contractor that has the prohibited conduct specified in this standard. However, the practice is not written specifically into the policy. It is definitely inferred with generic statements but not specific statements. Hiring background investigations are completed on all new hires and contractors. The background investigation also includes a criminal backgrounds check of all applicants for employment or contracting services. In addition to policy, jail deputies are required to be state certified within one year of hire and the Idaho P.O.S.T. Academy requires a thorough background check on any detention employee who will be attending the P.O.S.T Academy. An interview with Human Resources confirmed that background investigations are done on all new hires and contractors. Because the policy doesn't specifically prohibit the conduct specified in this standard, the auditor finds the facility does not meet this part of the standard.

115.17(b) The Ada County Sheriff's Office considers any incidents of sexual harassment in determining whether to hire or promote anyone,
PREA Audit Report

or to enlist the services of any contractor, who may have contact with inmates. The practice was confirmed through the interview of Human Resources but it is not written into policy so the auditor finds that the facility does not meet this part of the standard.

115.17(c) In addition to conducting criminal background checks prior to hiring an applicant, the Ada County Sheriff's Office contacts all prior institutional employers for information on substantiated allegations of sexual abuse or any pending investigations of allegations of sexual abuse. This practice was confirmed by an interview with Human Resources. However, this is in practice but not in policy so the auditor finds that the facility does not meet this part of the standard.

In the past 12 months, 22 people have been hired and 100% of the people who have been hired and have contact with inmates have had extensive background and criminal history checks completed prior to their hiring.

115.17(d) Ada County Jail requires that a criminal background records check be completed before enlisting the services of any contractor who may have contact with inmates and that requirement is on the Ada County Sheriff's Office Backgrounds Check Form. In the past twelve months, the Ada County Sheriff's Office has conducted criminal background record checks on 1 contract employee (100%) who has been hired and has contact with inmates.

115.17(e) An interview with Human Resources revealed that it is not in policy or practice that a criminal background records check is being completed on all current employees and contractors at least every five years. This is in the development stage for the Ada County Sheriff's Office but has not yet been implemented. Therefore, the auditor finds that the Ada County Jail does not meet this part of the standard.

115.17(f) The Ada County Jail reported that it asks all applicants during the initial interview for hire about any prior sexual misconduct of the type specified in 115.17(a) of this section. None of this part of the standard is written in policy so the auditor finds that the facility does not meet the standard.

115.17(g) The Ada County Jail states that material omissions regarding such misconduct or provision of materially false information shall be grounds for termination but there is nothing in the policy to support this. The auditor finds that the facility does not meet this part of the standard

115.17(h) An interview with Human Resources confirmed that the Ada County Sheriff's Office provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The Ada County Sheriff's Office does require that the requesting agency provide a signed release of information from the applicant before giving the agency the requested information. While this is in practice, the policy does not contain this information. The auditor finds that the Ada County Jail does not meet this part of the standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Sheriff's Office Hiring Process
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Idaho P.O.S.T. IDAPA Rules
Idaho Jail Standards
Interview with Human Resources
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should add to its policy that it prohibits the hiring, promotion or retention of any employee who may have contact with inmates and will not enlist the services of any contractor that has the prohibited conduct specified in this standard.
2. The Ada County Jail should add to its policy that it considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
3. The Ada County Jail should add to its policy that, in addition to conducting criminal background checks prior to hiring an applicant, the Ada County Sheriff's Office contacts all prior institutional employers for information on substantiated allegations of sexual abuse or any pending investigations of allegations of sexual abuse.
4. The Ada County Jail should add to its policy that a criminal background records check will be completed on all current employees and contractors at least every five years.
5. The Ada County Jail should begin conducting the five year criminal background records checks on current employees who have been with the facility for five years during this corrective action period so the auditor can review the practice is being done.

6. The Ada County Jail should add to its policy the the agency will ask all applicants and employees who may have contact with inmates directly about previous conduct described in 115.17(a) in written applications or interviews for hiring or promotions and in any interviews or self evaluations conducted as part of the reviews of current employees.
7. The Ada County Jail should add to policy how the practice in #6 above will be implemented and followed up on.
8. The Ada County Jail should add to policy that the agency imposes upon employees a continuing affirmative duty to disclose any such misconduct as listed in 115.17.
9. The Ada County Jail should add to policy that material omissions regarding such misconduct or provision of materially false information shall be grounds for termination.
10. The Ada County Jail should add to policy that the agency provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail has revised its PREA policies to prohibit the hiring, promotion or retention of any employee who may have contact with inmates and will not enlist the services of any contractor that has the prohibited conduct specified in this standard.
2. The Ada County Jail has revised its PREA policies to reflect that it considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
3. The Ada County Jail has added to its PREA policy that, in addition to conducting criminal background checks prior to hiring an applicant, the Ada County Sheriff's Office contacts all prior institutional employers for information on substantiated allegations of sexual abuse or any pending investigations of allegations of sexual abuse.
4. The Ada County Jail has added to its PREA policy that a criminal background records check will be completed on all current employees and contractors at least every five years.
5. The Ada County Jail has been given a directive by Sheriff Stephen Bartlett, the policy has been written, and the agency is conducting the five year criminal background records checks on current employees who have been with the facility for five years.
6. The Ada County Jail has revised its PREA policy to require the agency to ask all applicants and employees who may have contact with inmates directly about previous conduct described in 115.17(a) in written applications or interviews for hiring or promotions and in any interviews or self evaluations conducted as part of the reviews of current employees.
7. The Ada County Jail has added to its PREA policy the procedure for asking all applicants and employees who may have contact with inmates directly about previous conduct described in 115.17(a) in written applications or interviews for hiring or promotions and in any interviews or self evaluations conducted as part of the reviews of current employees.
8. The Ada County Jail has added to its PREA policy that the agency imposes upon employees a continuing affirmative duty to disclose any such misconduct as listed in 115.17.
9. The Ada County Jail has added to its PREA policy that material omissions regarding such misconduct or provision of materially false information shall be grounds for termination.
10. The Ada County Jail has added to its PREA policy that the agency provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Interviews with Sgt. Chad Sarmiento and Lt. Aaron Shepherd confirmed that the policy has been provided to all detention employees and they have been required to read the revised policies. They also confirmed that the directive has been issued and the backgrounds are being done.

After reviewing the revised policies and procedures, the auditor finds that the Ada County Jail is now fully compliant with this 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.

115.18(a) The Ada County Sheriff’s Office and Ada County Jail designed and opened a new maximum security unit in 2014. Interviews with Sheriff Stephen Bartlett, Lt. Aaron Shepherd, and Sgt. Chad Sarmiento confirmed that, during the design phase, the Sheriff’s Office considered both staff safety and inmate safety in all aspects including prevention of sexual abuse.

115.18(b) The Ada County Sheriff’s Office and Ada County Jail have not made any upgrades to cameras or monitoring technology at the time of the audit. However, interviews with Sheriff Stephen Bartlett and Lt. Aaron Shepherd revealed that the agency is in the process of upgrading the video system infrastructure that will add newer digital cameras and will support additional cameras in higher risk housing units. This upgrade is projected to be completed by the end of 2017. During the planning phase, the Sheriff’s Office considered how the technology will enhance the agency’s ability to protect inmates from sexual abuse as well as other safety issues.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

- Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
- Ada County Jail PREA Staffing Analysis
- Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
- Interview with Ada County Sheriff, Stephen Bartlett
- Interview with Lt. Aaron Shepherd, Support Services

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.

115.21(a - b) The Ada County Sheriff’s Office and Ada County Jail follow the Ada County Policy U uniform evidence collection protocol that contains details for obtaining physical evidence for administrative and criminal investigations of sexual abuse. This protocol guides the Ada County Jail in collecting evidence and properly storing evidence within the facility. All forensic exams are done at one of the local hospitals who have their own protocols for collecting sexual assault evidence. Protocols are appropriate for youth.

115.21(c) Ada County Jail Policy 1.2.25 requires that all victims of sexual abuse are offered access to forensic medical examinations at a local hospital which will normally be St. Alphonsus in Boise, Idaho where evidentiary or medically appropriate and the assault happened within the past 72 hours. Inmates are advised that there is no financial cost to the victim. When possible, examinations are performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). On the rare occasion that SANEs or SAFEs are not available, a qualified medical practitioner performs a forensic medical examination. Attempts to get a SAFE or SANE are documented. This information is based on the policy as there were no forensic medical examinations performed during the last twelve months.

115.21(d) The Ada County Sheriff’s Office and Ada County Jail have an MOU in progress with ██████████, LLC who is located in Boise,

Idaho to provide rape crisis services to victims of sexual assault. [REDACTED] is a trauma specialist and works with sexual assault victims in the Boise area. The MOU is in the Ada County Sheriff's legal department waiting for approval. [REDACTED] has a 24/7 hour crisis line that inmates can call free of charge. This information is given to inmates on a flyer posted in the housing units. [REDACTED] and her rape crisis group will provide on-site crisis intervention to the Ada County Jail when a victim discloses rape or sexual assault.

115.21(e) The Ada County Jail Policy 1.2.25 ensures that a victim's advocate, upon request from the inmate, accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals as warranted. An interview with [REDACTED] confirmed that she will also provide on-site advocacy services when needed, and is trained in the trauma of sexual assault and has skills to assist the sexual assault survivor in healing from the trauma of the assault. If [REDACTED] is not available in an emergency, the Ada County Jail will contact an available victim witness coordinator to assist the inmate in her absence. There are also on staff mental health practitioners and social workers who can assist with counseling when the inmate returns to the Ada County Jail. There have been no forensic medical examinations done during the last twelve months and a victim's advocate has not been requested or used by inmates.

115.21(f) The Ada County Jail has a team of investigators who work inside the jail to conduct administrative investigations. Administrative investigation results are given to the on duty supervisor and administrative investigations are referred and reviewed first by Emily Durbin, the PREA Compliance Manager and next by Sgt. Chad Sarmento, the PREA Coordinator. If the administrative investigation appears to involve criminal elements, the jail will refer the investigation to the Ada County Detective Division. All investigations that allegedly involve staff are referred to an outside law enforcement agency selected by the Ada County Sheriff. When this happens the Ada County Sheriff's Office and the Investigating Agency sign a Separation of Responsibilities Agreement which defines the responsibilities of each agency in the investigation. All people in the Ada County Sheriff's Office who are involved in the investigations have had the specialized training for investigators in a confinement center and all detectives have had training on sexual assault investigations. All PREA complaints are investigated for possible criminal activity and the Ada County Sheriff's Office and any outside investigative agencies maintain a close working relationship with the County Prosecutor. Once the criminal investigation is concluded by either the Detective Division or the outside investigating agency, the case will be referred back to the Ada County Jail for possible disciplinary actions, if warranted. Based upon the very detailed protocol, many checklists, and the open communication between all investigators and the Ada County Jail, the auditor finds that the facility exceeds this part of the standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento

Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

Interviews with Ada County Sheriff's Office administrative and criminal investigators

Interview with [REDACTED], Counseling Solutions

Separation of Responsibilities Agreement

Investigator's PREA checklist

Ada County Sheriff's Office Evidence Collection Protocol

Training certificates and/or rosters for all PREA investigators within the agency

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.

115.22(a - b) The Ada County Jail has a team of investigators who work inside the jail to conduct administrative investigations. Administrative investigation results are given to the on duty supervisor and administrative investigations are referred and reviewed first by Emily Durbin, the PREA Compliance Manager and next by Sgt. Chad Sarmento, the PREA Coordinator. If the administrative investigation
PREA Audit Report

appears to involve criminal elements, the jail will refer the investigation to the Ada County Detective Division. All investigations that allegedly involve staff are referred to an outside law enforcement agency selected by the Ada County Sheriff. When this happens the Ada County Sheriff's Office and the Investigating Agency sign a Separation of Responsibilities Agreement which defines the responsibilities of each agency in the investigation. All people in the Ada County Sheriff's Office who are involved in the investigations have had the specialized training for investigators in a confinement center and all detectives have had training on sexual assault investigations. All PREA complaints are investigated for possible criminal activity and the Ada County Sheriff's Office and any outside investigative agencies maintain a close working relationship with the County Prosecutor. Once the criminal investigation is concluded by either the Detective Division or the outside investigating agency, the case will be referred back to the Ada County Jail for possible disciplinary actions, if warranted. Based upon the very detailed protocol, many checklists, and the open communication between all investigators and the Ada County Jail, the auditor finds that the facility exceeds this part of the standard. Documentation showed that thirty six allegations of sexual abuse or sexual harassment were investigated with thirty of them administrative investigations and six were criminal investigations that were investigated by the Ada County Detective Division. All investigations were completed. Agency policy regarding the referral of allegations of sexual abuse and sexual harassment are published on the agency's website, adasheriff.org. Based upon the protocol of three levels of investigations and the details of each, the auditor finds that the facility exceeds this standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

Ada County Sheriff's Office website: adasheriff.org

Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

Interviews with Ada County Sheriff's administrative investigators and criminal investigators

PREA Investigator training certificates and rosters for Ada County Investigators

Logs of sexual abuse and sexual harassment allegations and subsequent investigations

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.

115.31(a) Ada County Jail Policy requires that employees receive one hour of PREA training every year. Documentation provided included a lesson plan on each of the ten topics and a detailed power point presentation that was very comprehensive and covered all of the topics. Interviews with random staff revealed that the staff have extensive training on PREA every year and are very knowledgeable on the topics.

115.31(b) The training is tailored to the gender of the inmates at the Ada County Jail which houses both female and male inmates. There is only one facility so all employees are trained to work with both genders and there are no reassignments to care for one gender or the other. According to policy a formal initial training will be provided to every staff member prior to coming into individual contact with inmates and shall be part of an initial training program. The auditor reviewed the power points of this training and found them to be compliant with this standard.

115.31(c) The full PREA training is provided to employees every year instead of every other year and included is refresher training on policy and procedure. Sgt. Chad Sarmiento provided the auditor with power points that are used for the training and staff training records were reviewed to confirm this training. Interviews with Sgt. Chad Sarmiento and Emily Durbin confirmed there are also extra trainings that happen occasionally throughout the year, especially online courses. Therefore, the auditor finds that the facility exceeds this part of the standard.

115.31(d) Documentation confirmed through employee signatures that 226 employees (100%) have received this yearly training and that the PREA Audit Report

employees understand the training they received. Interviews of random staff also confirmed that all have extensive yearly training.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
PREA Training Curriculum
Staff rosters
PREA Acknowledgement form with staff signatures
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
Interview with Lt. Aaron Shepherd, Support Services
Interviews with random staff

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.

115.32(a) Ada County Jail Policy 1.2.25 requires all volunteers and contractors who may have contact with inmates be trained on PREA requirements. The training curriculum includes a very comprehensive power point presentation that covers all the required topics and their responsibilities under the PREA requirements. 148 volunteers and individual contractors who have contact with inmates have been trained in PREA requirements during the last twelve months. This totals 100 % that have been trained.

115.32 The training curriculum was very detailed and showed that contractors and volunteers have extensive training on the zero tolerance policy, duty to report, warning signs, proper communication with all inmates, first responder duties, and several other aspects of the prevention, detection, and response policies and procedures. All volunteers and contractors receive the comprehensive training regardless of the level of services or contact with inmates.

115.32 All volunteers and contractors are required to sign that they have received the training and understand it. The Human Resources division maintains that documentation and the auditor reviewed several of the signatures.

There were no volunteers on site at the time of the audit. One contractor was interviewed from the commissary company and confirmed the training is very detailed and comprehensive.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
PREA Training curriculum and materials for volunteer and contractors
PREA Acknowledgement Form for volunteers and contractors
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
Interview with Commissary staff

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.

115.33(a - c) The Ada County Jail reports that 16,800 inmates have been admitted in the past twelve months to the facility and those that will be staying and not bonding out are provided with comprehensive information during the intake, booking, and classification process. All inmates in the Ada County Jail are given a flyer explaining PREA at intake, are asked to read it, and are required to sign they have received the flyer and understand it. The auditor reviewed several of these signatures. Once booking is completed and inmates are ready to go to pre-classification, inmates are shown an orientation video in the open seating area of the booking room that explains the inmate's right to be free from sexual abuse and sexual harassment, the zero tolerance policy, methods to report sexual abuse and sexual harassment, what to do if sexually abused or sexually harassed, and their right to be free from retaliation for reporting sexual abuse or sexual harassment. The auditor viewed part of the video in the booking room and the content is comprehensive. However, the monitor that is playing the PREA video is located next to a TV monitor that is playing at the same time so there is some question whether the inmates are watching the PREA video or television. Inmates are also given an inmate handbook that explains how to protect themselves from sexual abuse and sexual harassment and how to report an incident if it should happen. Inmates sign that they have received the training and understand their rights and how to report.

115.22(d) The Ada County Jail ensures that key information is continuously available to inmates through posters, flyers, and inmate handbooks. The auditor reviewed the PREA posters that are displayed in the dayrooms with the abuse hotline number by the phones. However, the posters are scattered throughout the bulletin boards and are not in one group. Also, some of the flyers for reporting are at the bottom of the bulletin board and cannot be easily viewed without bending down. Posters are displayed in English and in Spanish. PREA flyers are in English and Spanish and given to each inmate. The facility provides translation services for all PREA educational materials for inmates with disabilities and limited English proficient.

Interviews with random inmates revealed that the inmates are not retaining the information they are provided through the video, handbook, posters and flyers. All of the interviews with inmates confirmed that they received training on PREA shortly after booking by watching a video and received a PREA pamphlet and inmate handbook that contained information on how to report a sexual assault or sexual harassment. Most stated that information is posted on the wall of the housing unit, and is in the inmate handbook. All knew they could access a hotline number on the phone. However, most of the inmates were unable to explain to the auditor the different ways to report a sexual abuse or sexual harassment incident. Most were uncertain whether there was a way to report an incident outside the facility other than the hotline. Many didn't know if they could report anonymously or have a third person report for them. The recurring comments were that they "weren't concerned about it", "couldn't remember if they were given the information", and "knew where to find the information" if they needed it. Therefore, the auditor finds that the Ada County Jail does not meet this standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento

PREA Inmate Acknowledgement Form and random signatures

Inmate Handbook

PREA flyers

PREA Posters displayed in dayrooms

Inmate Orientation Video

Interviews with random inmates and facility intake staff who provide the comprehensive training for inmates

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should place the PREA video in a location away from regular television programs or turn off the television

- while the PREA video is playing so that the inmates can focus their attention on the PREA video.
2. The Ada County Jail should post the PREA flyers all in a group in the housing units and raise them to eye level to be more readily viewed.
 3. Ada County Jail policy should be amended to require staff to either play the video to all inmates monthly or meet with inmates monthly to conduct refresher training on their right to be free from sexual abuse and sexual harassment, review ways to report an incident, ask questions of the inmates to verify they understand the information provided and answer questions the inmates may have about PREA.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail shows the PREA video for the first time in the booking room before they go to pre-classification. The other television monitor in the booking room is turned off during the PREA video so that the focus can be on the PREA video.
2. The Ada County Jail has posted the PREA flyers in the housing units where they can easily be seen by the inmates.
3. The Ada County Jail does monthly follow-up education for inmates after intake. Once a month during the Monday night inspection, the PREA video is shown to inmates. The video is not shown to inmates in single cells but staff conduct the monthly education personally to inmates in single cells so that all inmates in the facility have monthly comprehensive education.

Interviews with Sgt. Chad Sarmiento and Lt. Aaron Shepherd confirmed that inmate education is done monthly for all inmates incarcerated in the Ada County Jail.

Interviews with eight random inmates confirmed that the video is being shown monthly to the inmates in their housing units and the majority of the inmates knew several ways to report a sexual assault including how to report outside the agency and knew that there are advocates available, if needed.

The auditor observed the flyers and posters in the housing units and confirmed that they were organized and could easily be seen by all of the inmates in the housing unit.

After reviewing the revised policies and procedures, interviewing staff and random inmates, and personally observing how the education is currently being done, the auditor finds that the Ada County Jail is now fully compliant with this standard.

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.

115.34(a) The Ada County Jail Policy 1.2.25 requires that all of its employees who investigate sexual abuse and sexual harassment allegations in the facility receive the specialized training for conducting such investigations in confinement settings. The investigators are required to take the on line PREA Investigators course, “Investigating Sexual Abuse in a Confinement Setting” available through the PREA Resource Center and the National Institute of Corrections or the classroom course when it is available. Sheriff Stephen Bartlett stated that a

few years ago, the Ada County Jail hosted the class from the PREA Resource Center and sent all of their investigators to the class. The Sheriff's Office also sent several investigators to the class a few months later when it was hosted by the Idaho Sheriff's Association in Boise, Idaho.

115.34(b) 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 or prosecution referral. Detectives from the Ada County Sheriff's Detective Division have also had additional training in sexual abuse investigations for their job requirements and are very familiar with the proper use of Miranda and Garrity warning as they use them frequently in their job duties. Interviews with both administrative and criminal investigators confirmed that they had taken the training and it included the topics listed.

115.34(c) The auditor reviewed the Certificates of Completion and training rosters for the ten investigators who took the investigator's specialized training and conduct sexual abuse and sexual harassment investigations in the Ada County Jail.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

Objectives for the online course, "Investigating Sexual Abuse in a Confinement Setting"

Training documentation for investigators completing the specialized training

Interviews with facility administrative and criminal investigators

Interview with Sheriff Stephen Bartlett

Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.35(a) The Ada County Sheriff's Office employs medical practitioners to provide 24/7 on-site medical care at the facility. Mental health practitioners and social workers are available daily to speak with inmates. Interviews with medical staff and a mental health practitioner confirmed that they are provided in-depth training on their responsibilities under PREA. Specialized training includes how to detect and assess physical evidence 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, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. The number of medical and mental health practitioners who work regularly at the facility and have had the training is thirty which is 100% of the staff.

115.35(b) The medical staff do not conduct forensic exams at the Ada County Jail. Victims of sexual abuse are transported to a local hospital for the exam, when medically appropriate. Normally the inmates are taken for the exam to the nearest hospital which is St. Alphonsus in Boise, Idaho

115.35(c - d) The agency maintains documentation that all medical and mental health practitioners who work at the facility have received specialized training provided by the facility and listed in (a) of this standard. Medical and mental health care practitioners also receive the training mandated for other employees of the facility. Interviews with both medical and mental health practitioners confirmed that they have received this training and understand it.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento

PREA Acknowledgement Form for Volunteers and Contractors

Interview with Medical practioner

Interview with Mental Health

Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.41(a - b) Ada County Jail Policy 1.2.25 requires the Booking Officer to complete PREA risk assessments on inmates shortly after they have been booked into the facility. During the audit tour, a Booking Officer explained that the assessment is normally done at booking, but, under no circumstances, would it go over 72 hours to complete the risk assessment. The inmate is taken into a private room within the booking room and asked the assessment questions. The Ada County Jail reported that 5683 inmates have entered the facility within the past twelve months with a length of stay over 72 hours. All 5683 inmates were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility. A second risk assessment is done within a few days of booking by medical staff with some additional risk assessment questions.

115.41(c - d) The risk assessments are completed on an objective screening instrument that covers all ten topical areas of information as detailed in this standard. A review of the screening instrument confirmed it is very detailed. The auditor reviewed several files of inmates and verified that the screening instrument is being used.

115.41(e) The screening instrument also considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse as known to the agency.

115.41(f) A reassessment of the inmate is conducted within 30 days of intake. The auditor reviewed several reassessments and interviews with Sgt. Chad Sarmento and Emily Durbin found that the median time a reassessment is done is fourteen days after the initial assessment. Inmates who are at high risk of sexual vistimization are reassessed by classification sooner than fourteen days. Reassessments are done no later than twenty five days after the original assessment. The auditor finds that the Ada County Jail exceeds this part of the standard with the detailed time lines and adherence to those timelines for risk reassessment. The Ada County Jail reported that 3360 inmates were reassessed within 25 days of intake upon receiving additional, relevant information after intake.

115.41(g) Ada County Jail Policy 1.2.25 also requires that an inmate’s risk level be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that directly affects the inmate’s risk of victimization or abusiveness.

115.41(h) The policy prohibits the Ada County Jail from disciplining inmates for refusing to answer or for not disclosing complete information on the screening questions listed in this standard. Interviews with Sgt. Chad Sarmento and Emily Durbin confirmed that no inmate has been disciplined for refusing to answer these questions on the risk screening.

115.41(i) Policy states that appropriate controls are in place to prohibit staff from using the inmate’s responses to the questions on the screening form to the detriment of the inmate. Booking Deputies, Jail Sergeants, Classification, Medical and Mental Health Practitioners, the PREA Coordinator, and the PREA Compliance Manager have controlled access to the information. The auditor reviewed how these controls keep unauthorized users from accessing the information. The risk screening forms are kept in the jail management system and there are different levels of security in the jail management system for access to the forms. In order to access the risk screening form, the user

must have the proper security authorization to view the information.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Ada County Jail Objective Risk Screening Instrument
Interview with Classification Sgt. Paul Stoltenberg
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
Inmate Files

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.

115.42(a) The Ada County Jail Policy 1.2.25 requires that all information gathered during the intake and assessment process be used to ensure appropriate classification and placement of inmates into housing, work programs, and regular programs as well as any necessary security or protective precautions required to ensure the inmate's safety. This is done through the classification process and was confirmed in an interview with Sgt. Paul Stoltenberg.

115.42(b) Classification Officers use the screening information of inmates in the facility to make individualized determinations of how to ensure the safety of each inmate. The interview with Sgt. Stoltenberg indicated that classification uses all of the information collected at booking and all past classification data for the classification process to consider all aspects of safety of the inmate and where the inmate can safely be housed.

115.42(c) The Ada County Jail policy requires that Classification Officers carefully consider, on a case-by-case basis, whether placement of a transgender or intersex inmate in a particular housing and bed assignment will ensure the inmate's health and safety and whether or not that placement would present management or security issues. The interview with Sgt. Stoltenberg revealed that the inmate's own view of his or her safety is given consideration when deciding on the final housing placement.

115.42(d) The interview with Sgt. Stoltenberg revealed that Classification Officers conduct a reassessment on all transgender and intersex inmates at least every thirty days to review any threats of safety experienced by the inmate. The Classification Officer documents all reassessments into the jail management system. The auditor finds that reassessing the inmate a minimum of every thirty days exceeds this part of the standard.

115.42(e) Transgender and intersex inmates are asked about their own view in respect to their safety while incarcerated in the facility and those considerations are given serious consideration by the Classification Officer when making housing, bed, and programming assignments.

115.42(f) Policy states that transgender and intersex inmates will be allowed to shower separately from other inmates. Informal interviews with staff during the audit tour confirmed that the staff know this policy and know how to accomplish this.

115.42(g) The Ada County Jail Policy 1.2.25 prohibits placing lesbian, gay, bisexual, transgender or intersex inmates in a particular housing or bed assignment or other assignment based solely on such identifier or status unless the placement is ordered by a consent decree, legal settlement, or legal judgment of which the intent is the protection of inmates. The Ada County Jail is under no such legal restriction.

The Ada County Jail reported that they had one transgender inmate in the facility several months before the audit. The inmate was allowed
PREA Audit Report

to participate in all group programs, group projects and group studies and was able to work within the facility with other inmates. The inmate was reassessed within 14 days of booking and was out of the facility within 30 days of booking. The auditor finds that the Ada County Jail exceeds this standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento

Ada County Jail Objective Screening Instrument

Interview with Classification Sgt. Paul Stoltenberg

Interviews with random staff

Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.43(a and d) The Ada County Jail Policy 1.2.25 prohibits placing inmates at high risk for sexual victimization in involuntary segregated housing unless the determination has been made that this housing assignment best protects the safety of the inmate and a review of other alternatives failed to provide adequate safety from likely abusers. The inmate may be placed in involuntary segregation for a time period, not to exceed 24 hours, in order to complete the assessment and find appropriate housing. The Ada County Jail reports that during the last twelve months, five inmates were placed in involuntary restrictive housing for one to 24 hours in order to complete the assessment and find appropriate housing.

115.43(b) The policy requires any inmates placed in involuntary segregated housing have access to programs, privileges, education and work opportunities to the extent possible. The one exception to this is youthful inmates are restricted from in-house work programs as there are adult inmates in all of the work areas. If opportunities are restricted, the Jail will document on the JMS system which opportunities have been limited, the duration of the limitation, and the reasons for the limitations. Interviews with Sgt. Chad Sarmento and Emily Durbin confirmed that all inmates placed in involuntary segregated housing, except disciplinary inmates, have access to programs and privileges. They are also allowed to work within the jail if they meet the qualifications that the work assignment or security status allows.

115.43(c) If no alternative housing can be found immediately, the inmate may normally be held in involuntary segregated housing for no more than 30 days unless alternative housing can still not be found. The Ada County Jail reports that in the past twelve months, one youthful inmate was assigned to involuntary segregated housing for longer than 30 days as there was no alternative housing available and no other youthful inmates in the jail. The Jail went to court several times to ask for the youthful inmate to be transferred to a juvenile facility and, ultimately, received the court order after 58 days of involuntary segregation.

115.43(d) The involuntary restricted housing of an inmate will be documented in the inmate's logs and cite the basic concern for the inmate's safety and the reason why no alternative means of separation can be achieved. The auditor reviewed one inmate's logs and confirmed that this is documented.

115.43(e) If an involuntary segregated housing assignment is made, a status review of the inmate will be completed within 30 days to determine if there is a continuing need to separate the inmate from the general population. All 30 day status reviews are documented and review of the documentation confirmed that this is the practice..

At the time of the audit, there were no inmates assigned to involuntary segregated housing to separate them from likely abusers.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Ada County Jail Objective Risk Assessment Instrument
Restricted Housing logs
Idaho Jail Standard
Interviews with random staff and inmates
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager
Interview with Classification Sgt. Paul Stoltenberg

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.

115.51(a) The Ada County Jail clearly outlines multiple ways to privately report a sexual assault, sexual harassment, or retaliation from other inmates or staff for reporting sexual abuse or sexual harassment, and any staff neglect that may have contributed to sexual abuse or sexual harassment. The reporting methods within the facility include verbally telling a staff member in private, telling medical staff, submitting a confidential request through the kiosk, writing a personal letter to staff, or writing a confidential letter to administration. The facility allows inmates to submit written reports confidentially. An inmate satisfaction survey is conducted on the kiosks in the housing units weekly where inmates can anonymously answer questions about their incarceration and any positives or negatives about the staff and facility. The survey is strictly volunteer but many of the inmates take advantage of being able to voice their opinions and complaints and fill out the survey. Several questions on the survey address sexual abuse and sexual harassment safety. The auditor finds that the Ada County Jail exceeds this part of the standard with the use of an inmate satisfaction survey. The PREA reporting information is provided to the inmates on a video shortly after booking, is in the inmate handbook which is given to the inmate during intake, is on a pamphlet they receive at intake, and is written on posters in the dayroom of their housing unit.

115.51(b) The Ada County Jail has a Rape Reporting hotline on the inmate phones that goes outside the agency to the phone company who contacts the agency when they get a report. The facility also notifies inmates they can contact a family member, friend, attorney or anyone else outside the agency that they feel comfortable calling. Inmates are rarely detained solely on civil immigration holds, but the agency has in policy that these inmates are provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. The information is posted in the housing units. Inmates have access to phones in their dayrooms and policy allows for free phone calls to contact the reporting hotline and ██████████, LLC who is a trauma specialist and rape crisis advocate.

115.51(c) Ada County Jail Policy 1.2.25 requires all staff to accept reports made verbally, in writing, anonymously, and from third parties. All allegations are documented promptly upon receipt and reported to a supervisor who will initiate the investigation. Interviews with random staff confirmed they knew that inmates can report a sexual abuse or sexual harassment in any one of the four ways and that verbal reports are documented as soon as possible after the report.

115.51(d) Staff at the Ada County Jail can privately report sexual abuse and sexual harassment to anyone in the Chain of Command they feel they can trust and this information is given to them in their yearly PREA training. Interviews with random staff confirmed that the agency has an open door policy and staff can report privately to anyone in the Chain of Command, up to and including administration of the Ada County Sheriff's Office.

Interviews with staff clearly demonstrate they are very knowledgeable about PREA and the variety of methods to report sexual abuse and sexual harassment.

The Ada County Jail has put into place multiple ways for inmates to report a sexual abuse or sexual harassment incident. However, interviews with random inmates revealed that the inmates are not retaining the information they are provided through the video, handbook, posters and flyers. Most of the interviews with inmates confirmed that they received training on PREA shortly after booking by watching a video and received a PREA pamphlet and inmate handbook that contained information on how to report a sexual assault or sexual harassment. Most stated that information is posted on the wall of the housing unit, and is in the inmate handbook. All knew they could access a hotline number on the phone. However, most of the inmates were unable to explain to the auditor the specific ways to report a sexual abuse or sexual harassment incident. Most were uncertain whether there was a way to report an incident outside the facility. And most were not aware whether the calls were free of charge, monitored, or if they could submit a report confidentially. The auditor finds that the Ada County Jail does not meet this standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

PREA Inmate Acknowledgement Form and random signatures

Inmate Handbook

PREA flyers

PREA Posters displayed in dayrooms

Inmate Orientation Video

Interviews with random inmates and facility intake staff who provide the comprehensive training for inmates

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should place the PREA video in a location away from regular TV programs or turn off the television while the PREA video is playing so that the inmates can focus their attention on the PREA video.
2. The Ada County Jail should post the PREA flyers all in a group in the housing units and raise them to eye level to be more readily viewed.
3. The Ada County Jail should post a complete list of all ways to report a sexual abuse and sexual harassment where inmates can easily see the entire list and become familiar with it.
4. Ada County Jail policy should be amended to require staff to either play the video to all inmates monthly or meet with inmates monthly to conduct refresher training on their right to be free from sexual abuse and sexual harassment, review ways to report an incident, ask questions of the inmates to verify they understand the information provided and answer questions the inmates may have about PREA.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail shows the PREA video for the first time in the booking room before they go to pre-classification. The other television monitor in the booking room is turned off during the PREA video so that the focus can be on the video.
2. The Ada County Jail has posted the PREA flyers and a list of ways to report a sexual assault in the housing units where they can easily be seen by the inmates.
3. The Ada County Jail does monthly follow-up education for inmates after intake. Once a month during the Monday night inspection, the PREA video is shown to inmates. The video is not shown to inmates in single cells but staff conduct the monthly education personally to inmates in single cells so that all inmates in the facility have monthly comprehensive education.

Interviews with Sgt. Chad Sarmiento and Lt. Aaron Shepherd confirmed that inmate education is done monthly for all inmates incarcerated in the Ada County Jail.

Interviews with eight random inmates confirmed that the video is being shown monthly to the inmates in their housing units and the majority of the inmates knew several ways to report a sexual assault including how to report outside the agency and knew that there are advocates

available, if needed.

The auditor observed the flyers and reporting list in the housing units and confirmed that they were organized and could easily be seen by all of the inmates in the housing unit.

After reviewing the revised policies and procedures, interviewing staff and random inmates, and personally observing how the education is currently being done, the auditor finds that the Ada County Jail is now fully compliant with this standard.

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.

The Ada County Jail is exempt from this standard as it does not require an inmate to submit a grievance to report a sexual abuse or sexual harassment incident. If an inmate does submit a grievance, it is withdrawn from the grievance system and treated as a complaint rather than a grievance.

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.

115.53(a and c) The Ada County Jail has an MOU with ██████████, LLC to provide advocacy and in-person support services to a victim of sexual abuse through the forensic medical examination process as well as the investigatory interview process. The MOU is currently in the Ada County Legal Department for review before being put into place. ██████████ provides support, crisis intervention, trauma counseling for victims of sexual assault when needed, information and referral services to the victim. Information on how to contact the ██████████ is posted on the walls of the housing unit. The Ada County Jail enables communication between the advocate and the victim in as confidential manner as is possible.

115.53(b) If ██████████ is not available in an emergency situation, a local victim's witness coordinator will be contacted to assist the inmate in ██████████ place. Prior to giving the inmate access to the advocate, the Ada County Jail Policy 1.2.25 states that the agency explains to the inmate that the communication will not be monitored and the advocate is offered free of charge to the inmate. The facility will also explain to the inmate that information may be relayed from the victim advocate in order to initiate and conduct an investigation into the sexual abuse allegation in accordance with mandatory reporting laws.

There have been no forensic medical examinations done during the past twelve months and a victim's advocate has not been requested or used by inmates so there was no documentation for the auditor to review.

Interviews of random inmates revealed that some knew that victim advocates were available but did not know how to access them. Some stated that they believed the calls are free and unmonitored and some didn't know.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

MOU between ██████████, LLC and the Ada County Sheriff's Office and Ada County Jail

PREA Reporting List

Ada County Jail Inmate Orientation Video

Interviews with random inmates

Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

Interview with Lt. Aaron Shepherd, Support Services

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should place the PREA video in a location away from regular TV programs or turn off the television while the PREA video is playing so that the inmates can focus their attention on the PREA video.
2. The Ada County Jail should post the PREA flyers all in a group in the housing units and raise them to eye level to be more readily viewed.
3. The Ada County Jail should post a complete list of all ways to report a sexual abuse and sexual harassment where inmates can easily see the entire list and become familiar with it.
4. Ada County Jail policy should be amended to require staff to either play the video to all inmates monthly or meet with inmates monthly to conduct refresher training on their right to be free from sexual abuse and sexual harassment, review ways to report an incident, ask questions of the inmates to verify they understand the information provided and answer questions the inmates may have about PREA.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail shows the PREA video for the first time in the booking room before they go to pre-classification. The other television monitor in the booking room is turned off during the PREA video so that the focus can be on the video.
2. The Ada County Jail has posted the PREA flyers and a list of ways to report a sexual assault in the housing units where they can easily be seen by the inmates.
3. The Ada County Jail does monthly follow-up education for inmates after intake. Once a month during the Monday night inspection, the PREA video is shown to inmates. The video is not shown to inmates in single cells but staff conduct the monthly education personally to inmates in single cells so that all inmates in the facility have monthly comprehensive education.

Interviews with Sgt. Chad Sarmiento and Lt. Aaron Shepherd confirmed that inmate education is done monthly for all inmates incarcerated in the Ada County Jail.

Interviews with eight random inmates confirmed that the video is being shown monthly to the inmates in their housing units and the majority of the inmates knew several ways to report a sexual assault including how to report outside the agency and knew that there are advocates available, if needed.

The auditor observed the flyers and reporting list in the housing units and confirmed that they were organized and could easily be seen by all of the inmates in the housing unit.

After reviewing the revised policies and procedures, interviewing staff and random inmates, and personally observing how the education is currently being done, the auditor finds that the Ada County Jail is now fully compliant with this standard.

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.

115.54(a) The Ada County Jail allows third parties to report a sexual abuse or sexual harassment incident on behalf of an inmate. The agency provides information on its website, adasheriff.org on how to report a sexual abuse or sexual harassment of an inmate and information is in the handbook given to inmates. The information explains that all reports of sexual abuse and sexual harassment are taken seriously and will be investigated professionally.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Completed Pre-Audit Questionnaire completed by Sgt. Chad Sarmento
Ada County Website: adasheriff.org
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.61(a) The Ada County Jail Policy 1.2.25 requires staff to immediately report any suspected or alleged sexual abuse, sexual harassment, retaliation or neglect that occurred in a facility whether or not it is part of the agency. Interviews with random staff confirmed that this information is taught to staff in the yearly PREA training.

115.61(b) Policy 10.2 also prohibits staff from revealing any information related to a sexual abuse or sexual harassment report to anyone other than designated supervisors or officials and, to the extent necessary, to make treatment, investigation, and other security and management decisions. Interviews with random staff confirmed that this information is included in the yearly PREA training.

115.61(c) Medical and mental health practitioners within the facility are required to report sexual abuse that is disclosed to them by inmates and, at the initiation of services, must inform the inmate of their duty to report the incident and the limitations of confidentiality. Interviews with medical and mental health practitioners revealed they knew the policy and also received the information in their PREA training.

115.61(d) Ada County Sheriff’s Office Policy 326 requires that if the alleged victim is under the age of 18, the investigative detective from

Ada County reports the allegation of sexual abuse to the Idaho Department of Children and Family Services. If the alleged victim is a “vulnerable adult” the report will be made to Idaho Adult Protection Services.

115.61(e) All reports of allegations of sexual abuse and sexual harassment, including third-party and anonymous reports are submitted to the jail supervisor who forwards them to an administrative investigator in the jail. Command Staff submits a request for an investigation to the Ada County Detective Division if there are criminal elements in the allegation. The Ada County Sheriff refers investigations that involve staff to an outside agency for investigation.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25 and Ada County Sheriff’s Office Policy 326
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
PREA training curriculum
Interviews with random staff, medical practitioners, and mental health practitioners
Interview with Sheriff Stephen Bartlett
Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.62(a) The Ada County Jail reports that there have been no situations in the past twelve months where the facility determined an inmate was subject to a substantial risk of imminent sexual abuse. Ada County Jail Policy 1.2.25 requires that when an inmate is subject to a substantial risk of imminent sexual abuse, the facility will take immediate action to protect the inmate. However, the policy doesn’t state what actions may be taken to achieve this protection and staff had a variety of answers of what they could do in the situation. The auditor finds that this does not meet the standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
Interviews with random staff
Interviews with Classification Sgt. Paul Stoltenberg
Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should add to its policy what actions may be taken to protect the inmate when the inmate is subject to a substantial risk of imminent sexual abuse.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail has added to its policy the actions which may be taken to protect the inmate when the inmate is subject to a substantial risk of imminent sexual abuse.

After reviewing the policies and procedures, the auditor finds that the Ada County Jail is now fully compliant in this standard.

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.

115.63(a) The Ada County Jail Policy 1.2.25 requires the jail to report any abuse allegation received regarding an inmate abused at another facility to the agency head, or appropriate officer, where the sexual abuse is alleged to have occurred. Interviews with Sgt. Chad Sarmento and Emily Durbin revealed that the notification will be done by one member of jail administration.

115.63(b) Policy requires this notice to occur as soon as possible but no later than within 72 hours of receiving the allegation.

115.63(c) The notification from the Ada County Jail to the other agency is documented.

115.63(d) An interview with Sgt. Chad Sarmento confirmed that when another agency contacts the Ada County Jail to report that an inmate in their facility was sexually abused while in the Ada County Jail, the Ada County Jail will investigate the allegation in accordance with the PREA standards. While the standard appears to be the practice of the Ada County Jail, the policy does not reflect this so the auditor finds that this does not meet this part of the standard.

The Ada County Jail reported there have been no reports of this type of notification during the past twelve months so there was no documentation other than the policy for the auditor to review.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Interview with Sgt. Chad Sarmento, PREA Coordinator

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should add to its policy that it requires the allegations received from other facilities and agencies are investigated in accordance with the PREA standards.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail has added to its PREA policy that it requires allegations received from other facilities and agencies are investigated in accordance with the PREA standards.

After reviewing the policies and procedures, the auditor finds that the Ada County Jail is now fully compliant in this standard.

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.

115.64(a) The Ada County Jail Policy 1.2.25 outlines in policy and a detailed first responder checklist, the responsibilities of all staff members receiving an allegation of sexual abuse. The checklist and policy details in depth the following guidelines for the first responder and includes much more:

- (1) Separate the alleged victim and abuser;
- (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
- (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

There was also a very detailed checklist of the supervisor's responsibilities when an allegation of sexual abuse is made. The checklist details what to do with both the alleged victim and alleged abuser. Therefore, the auditor finds that with the creation and use of both of these detailed checklists, the facility exceeds this part of the standard. The Ada County Jail reported that in the past twelve months, there were twenty allegations that an inmate was sexually abused in the facility. At the time of the audit there were no victims available in the facility for interview by the auditor.

115.64(b) Policy states that when the first staff responder is not a security staff member, he or she shall request that the alleged victim not take any actions that could destroy physical evidence and then notify security staff immediately. There were no incidents in which a non-security staff member was the first responder during the audit cycle.

Interviews with random staff and supervisors confirmed that staff are very knowledgeable in their duties as a first responder to a sexual abuse or sexual harassment incident, are familiar with the First Responder Checklist and the Supervisor's Checklist, and have received the training in their yearly PREA training.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

- First Responder’s Checklist
- Supervisor’s Checklist
- Interviews with random staff
- Interviews with medical and mental health practitioners
- Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.65(a) The Ada County Jail has developed a coordinated response plan detailed on the PREA Incident Flow Chart, that coordinates the actions of first responders, medical and mental health practitioners, investigators, and facility leadership. The plan outlines the responsibilities of first responders, shift supervisors, medical practitioners, mental health practitioners, advocacy services, victim advocate support, and administrative and criminal investigators. The Flow Chart covers the entire process from the report to the follow-up and incident review. There are also several very detailed checklists for first responders, supervisors, and investigators, that are used upon receiving a PREA allegation and ensures all steps in the plan are completed in a thorough and timely manner. The auditor finds that the detail of the coordinated response plan and the various checklists exceed this standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

- Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
- PREA Incident Flow Chart
- Response checklists of First Responders, Shift Supervisors, and Investigators
- Interviews with investigators and random staff
- Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

The Ada County Sheriff’s Office and Ada County Jail do not have any collective bargaining agreements in place and have not had any at any time. Ada County Sheriff’s Office is non-union and, therefore, has no union collective bargaining agreements. Therefore, the auditor determined that this standard is not applicable to the Ada County Sheriff’s Office and Ada County Jail.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.67(a and d) Ada County Policy 1.2.25 prohibits retaliation against inmates or staff members who report sexual abuse or sexual harassment and require monitoring of the inmate or staff member for retaliation. The agency reported that the Classification Sergeant is charged with monitoring retaliation and the retaliation monitoring is tracked on the inmate’s log in the JMS. Interviews with the PREA Coordinator and PREA Compliance Manager and review of retaliation monitoring logs confirmed that the retaliation monitoring is taking place.

115.67(b) Policy states that the Ada County Jail will protect inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. Such protections shall be afforded via housing changes to separate victims from abusers, removal of alleged staff members from contact with victims, and emotional support services for inmates or staff members who fear retaliation. Interviews with Sgt. Chad Sarmiento and Emily Durbin confirmed that this practice is being done.

115.67(c) Ada County Jail Policy 1.2.25 requires monitoring the conduct and treatment of inmates and staff who report sexual abuse or sexual harassment and of inmates who were reported to have suffered sexual abuse for signs of changes that may suggest possible retaliation and shall act promptly to remedy any such retaliation. This monitoring is to continue for 90 days or longer if the initial monitoring indicates a need for further monitoring. Items that are monitored include inmate disciplinary reports, housing or program changes, negative performance reviews of staff, and reassignments of staff. Documentation on the JMS system confirmed the monitoring is done.

115.67(d) Monitoring also includes periodic status checks and these status checks include interviews with the person being monitored. This practice is also documented in the JMS system as part of the monitoring data.

115.67(e) Policy requires the facility to take proper measures to protect any other individual who has cooperated with an investigation and expresses a fear of retaliation. During the past twelve months, there have been no incidents where a person has expressed fear of retaliation and needed monitoring.

115.67(f) Ada County Jail Policy 1.2.25 states that its obligation to monitor terminates if the allegation is determined to be unfounded.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
Retaliation Monitoring Logs
Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

Standard 115.68 Post-allegation 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.

115.68(a) The Ada County Jail Policy 1.2.25 prohibits placing inmates who allege to have suffered sexual abuse in involuntary segregated housing unless the determination has been made that this housing assignment best protects the safety of the inmate and a review of other alternatives failed to provide adequate safety from likely abusers. When inmates are placed in involuntary segregation in order to separate the victim from the abuser, the placement is only for the time needed to finish the investigation and find alternative housing. If an involuntary segregated housing assignment is made, the facility will review the placement at a minimum of every 30 days to determine whether there is a continuing need for separation from the general population. There were no inmates in involuntary segregation for this purpose for the auditor to interview.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Interviews with random staff
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.71(a) Ada County Jail Policy requires that an investigation be conducted for all allegations of sexual abuse or sexual harassment. Administrative investigations are done by the jail PREA investigators, criminal by the Ada County Detective Division, and when staff are allegedly involved, the case is referred to an outside law enforcement agency to conduct the investigation. This is done promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports

115.71(b) There are ten investigators assigned to investigate sexual abuse and sexual harassment in the Ada County Jail. A review of training certificates confirm that all ten investigators have had the specialized training for investigators. This training was either the PREA Resource Center classroom training or the NIC online training. This training included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or referral to the prosecutor for criminal charges. In addition, all criminal allegations are investigated by detectives who have had extensive training on sexual abuse investigations and use Miranda and Garrity warnings frequently

in their regular jobs.

115.71(c) Interviews with both administrative and criminal investigators confirmed that upon initiation of an investigation into a sexual abuse allegation, the investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data, interview alleged victims, suspected perpetrators, and witnesses, and review prior complaints and reports of sexual abuse involving the suspected perpetrator. The facility has a detailed checklist for investigators to follow in the investigations and has a detailed investigator's interview protocol checklist.

115.71(d) Unless the allegation is an immediately recognizable criminal investigation, investigations will be initiated as an administrative investigation. All administrative investigations are done by Ada County Jail PREA investigators. If there is any indication that the investigation appears to support criminal prosecution, the Jail Investigator will notify the shift sergeant who will refer it to Command Staff for assignment to the Ada County Detective Division to initiate a criminal investigation. The Ada County Detectives are aware of when compelled interviews are an obstacle to prosecution as they use them frequently in their regular job.

115.71(e) Ada County Jail Policy 1.2.25 requires that the credibility of the alleged victim will be assessed on an individual basis and shall not be determined by the person's status as an inmate. Interviews with investigators confirmed that credibility is assessed by the facts, evidence, and interviews in the investigation. Inmates who allege sexual abuse are not required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation.

115.71(f) Policy requires that a thorough report be written at the conclusion of an administrative investigation that includes a description of what evidence was collected or reviewed, the reasons behind any credibility assessments, and any facts and findings the investigator discovered in the investigation. Investigators will also consider whether staff actions or failures to act contributed to the incident of abuse. A review of the administrative investigation reports confirmed the information is being placed into the reports. Interviews with administrative investigators confirmed an investigator's checklist is completed and a detailed report is written of the investigation findings. At the conclusion of the administrative investigation, the report will be reviewed by the PREA Compliance Manager and then by the PREA Coordinator to verify the investigation was completed according to policy and procedure and PREA standards.

115.71(g and h) Ada County Policy 1.2.25 and interviews with criminal investigators confirm that comprehensive reports are written at the conclusion of criminal investigations and the reports fully describe any physical, testimonial, and documentary evidence gathered, considered, or relied on. When it is practical, copies of documentary evidence are attached to the report. Substantiated criminal investigations are referred for prosecution, when warranted. The Ada County Jail reports that during the past twelve months, there was one substantiated criminal abuse investigation in the facility. A review of the report showed that it was very detailed.

115.71(i) All written reports referenced in 115.71(f and g) are retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

115.71(j) Ada County Policy 1.2.25 reflects that if an alleged abuser or victim leaves the facility or the employ of the agency, the investigation will continue and will not be terminated until it is officially closed with a determination. This was confirmed by interviews with both administrative and criminal investigators.

115.71(l) When investigators outside of the Ada County Sheriff's Office are assigned to an investigation, the Ada County Sheriff's Office and Ada County Jail will cooperate fully with the investigators and will stay informed as to the progress of the investigation. Interviews with Ada County investigators reflected that all of the law enforcement agencies in the Boise area work well together and communication is good between them.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento

Objectives for the online course, "Investigating Sexual Abuse in a Confinement Setting"

Training documentation for investigators completing the specialized training

Ada County Jail Investigator's Checklist

Ada County Jail Investigator's Interview Protocol Checklist

Interviews with administrative and criminal investigators

Interview with Capt. Scott Johnson, Jail Bureau Director

Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.72(a) Ada County Jail Policy requires the Ada County Sheriff’s Office to impose no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment in administrative investigations are substantiated. Interviews with investigators confirmed that this is the standard of determination of substantiation.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Interviews with investigative staff
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.73(a) Ada County Jail Policy 1.2.25 requires upon completion of any administrative or criminal investigation of sexual abuse in the facility, the facility will inform the inmate as to whether the allegation was determined to be substantiated, unsubstantiated, or unfounded. The Ada County Jail reported that there has been one investigation of alleged sexual abuse that has been completed and the inmate was notified of the final determination.

115.73(b) When another law enforcement agency is brought in for an investigation, the inmate will be notified of the outcome when it is known. The Ada County Jail reported that there hasn’t been any investigations done by an outside agency during the last twelve months.

115.73(c) Ada County Jail Policy is consistent with the standard for notification. The Ada County Jail reported that during the past twelve months there were no allegations of staff members allegedly being involved in sexual abuse misconduct.

115.73(d) The policy is consistent with this standard. The Ada County Jail has had six incidents of inmate-on-inmate sexual abuse that resulted in a criminal investigation during the past twelve months. One investigation has been substantiated and the other five were determined to be unfounded.

115.73(e) Notifications to inmates are documented in the inmate's log in the JMS.

115.73(f) The Ada County Jail's obligation to report under this standard terminates if the inmate is released from the facility before the investigation has been completed.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

Interview with Capt. Scott Johnson, Jail Bureau Director

Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.76(a - c) Ada County Jail Policy 1.2.25 requires any staff member found in violation of the agency sexual abuse or sexual harassment policies is subject to progressive discipline which includes sanctions up to and including termination. Progressive discipline considers the circumstances, the staff member's disciplinary history, and sanctions imposed for comparable offenses by other staff with similar histories when imposing sanctions. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse of an inmate.

115.76(d) All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to any relevant licensing bodies. All terminations and resignations are reported to Idaho P.O.S.T and if the case involves possible criminal charges, an investigation is done by Idaho P.O.S.T as well.

The Ada County Jail reports that in the past twelve months, there has been no staff member from the facility that has been terminated (or resigned prior to termination) for violating agency sexual abuse or sexual harassment policies. Additionally, there has been no staff member in the past twelve months that has been disciplined for violations of the agency sexual abuse or sexual harassment policies. There has been no staff member that has been reported to law enforcement, Idaho P.O.S.T., or any other licensing boards for violating agency policies.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25 and Ada County Sheriff's Office Policy 1020.1

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.77(a) The Ada County Jail Policy 1.2.25 prohibits contractors and volunteers who have engaged in sexual abuse from having contact with inmates. Violations are reported to any relevant licensing boards and if the abuse was criminal, the Ada County Sheriff's Office will seek prosecution.

115.77(b) In any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, the agency has a zero tolerance policy and they will not be allowed back at the facility, according to the interview with Capt. Scott Johnson.

The Ada County Jail reported that there were no contractors or volunteers who were alleged to have violated the agency's sexual abuse or sexual harassment policies during the past twelve months.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento

Interview with Capt. Scott Johnson, Jail Bureau Director

Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.78(a) The Ada County Jail has in place a comprehensive progressive inmate disciplinary process for rule and law violations by inmates. A formal disciplinary process will be given to inmates who have been found guilty in an administrative or criminal investigation of inmate-on-inmate sexual abuse or inmate-on-inmate sexual harassment.

115.78(b - c) If the inmate is found guilty in the disciplinary hearing, the sanctions imposed will consider the circumstances of the incident, the disciplinary history of the inmate, the inmate's mental disabilities or mental illness and the sanctions imposed on others for similar violations. The auditor reviewed the inmate disciplinary process outlined in the Inmate Handbook. Disciplinary processes are also outlined in the Ada County Jail Policy 1.2.25.

The Ada County Jail reported that during the past twelve months, one substantiated finding of inmate-on-inmate sexual abuse resulted in the abuser being sent through the formal disciplinary process.

115.78(d) The facility does not provide therapy, counseling, or other interventions for inmate abusers.

115.78(e) The Ada County Jail disciplines an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact. The Ada County Jail reported that there were no instances of this type of sexual abuse during the past twelve months.

115.78(f) Inmates of the Ada County Jail will not be disciplined for filing a false report of sexual abuse when the inmate believed the incident actually happened and filed the report in good faith. This practice was confirmed in interviews with Sgt. Chad Sarmento and Emily Durbin.

115.79(f) Agency policy prohibits all sexual activity between inmates but doesn't deem such activity sexual abuse unless it is determined that the activity was coerced. Ada County Jail reported that, during the past twelve months, there were three instances where administrative investigations were conducted for inmate-on-inmate sexual abuse and the incidents were determined to be consensual. The inmates were disciplined by being re-classified and assigned to different housing units.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Inmate Disciplinary Reports
Inmate Handbook
Interview with Capt. Scott Johnson, Jail Bureau Director
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.81(a and c) When an inmate discloses sexual abuse either at an institutional facility or in a community setting, Ada County Jail Policy 1.2.25 requires the staff to report this to the Medical Provider to ensure a follow-up meeting is done within 14 days with a medical practitioner and a mental health practitioner. Interviews with staff verified that inmates are offered this follow-up meeting within 14 days. The Ada County Jail reports that 100% of inmates who disclosed prior victimization during screening were offered a follow-up meeting with a medical or mental health practitioner.

115.81(d) An interview with Sgt. Paul Stoltenberg verified that any information related to the sexual abuse or victimization of an inmate is limited to Medical and Mental Health practitioners to prescribe treatment and Classification to determine security and management decisions as specified in this standard.

115.81(e) Interviews with Medical and Mental Health practitioners verified that informed consent disclosures, when needed, are provided by on-site by medical providers.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Intake Risk Assessment Form
Medical Risk Assessment Form
Interview with Sgt. Paul Stoltenberg, Classification Sergeant
Interviews with Medical and Mental Health practitioners
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.82(a) Ada County Jail Policy 1.2.25 requires that inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The Ada County Jail reported there were no inmate victims of sexual abuse in the last twelve months who needed emergency care so the auditor had no medical records to review.

115.82(b) Medical staff are on duty 24/7 and, therefore, can respond to any situation needing emergency medical care in the facility. When necessary, all victims are transported to a local hospital, normally St. Alphonsus, where SAFE or SANE exams are conducted. Inmates are offered a victim’s advocate from [REDACTED], LLC to accompany them through the exam and subsequent investigation.

115.82(c) Interviews with Medical practitioners confirmed that inmate victims of sexual abuse are offered information about, and timely access to, emergency contraception and sexually transmitted infections prophylaxis, when appropriate. The Ada County Jail reported there haven’t been any instances during the past twelve months where inmates have needed this information or care.

15.82(d) Ada County Jail Policy 1.2.25 and Ada County Jail Medical Policies JB-05, JA-01 and JA-08 require in all circumstances of sexual abuse within the facility, treatment and advocates are provided to the victim inmate free of charge.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25 and Ada County Jail Medical Policies JB-05, JA-01, and JA-08
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
Interviews with Medical and Mental Health practitioners
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.83(a - c) Interviews with Medical and Mental Health Practitioners confirmed that the Ada County Jail Medical Policies require health evaluations and, as appropriate, treatment to all inmates who have been sexually abused in any correctional institution. Interviews with Medical and Mental Health practitioners confirmed that the care is consistent with the community level of care and they will offer referrals to the inmate for continuing care, when necessary, when the inmate leaves the facility but will not make the appointments for the inmate.

115.83(d - f) Interviews with Medical Practitioners confirmed that female inmate victims of sexual abuse are offered pregnancy tests and information about timely access to all lawful pregnancy related medical services. The interviews also confirmed that inmates who have been sexually abused are offered tests for sexual transmitted infections, as medically appropriate. Medical practitioners will provide ongoing treatment to inmates, when needed.

115.83(g) In all circumstances of sexual abuse within the facility, treatment and advocates are provided to the victim inmate free of charge.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
Interviews with Medical and Mental Health practitioners
Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.86(a) Ada County Jail Policy 1.2.25 requires a sexual abuse review team comprised of upper-level management officials to review each incident of sexual abuse that was investigated in the facility. Policy states that input from line supervisors, investigators, and medical or mental health practitioners will also be considered, where appropriate.

115.86(b - e) The review occurs within 30 days of the incident. The Ada County Jail provided the auditor a blank form that is used for the incident reviews. The Ada County Jail reports that one sexual abuse incident review has been done and one is pending.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento
Form used for sexual abuse incident reviews
Interview with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.87(a) Ada County Policy 1.2.25 requires that the agency collect accurate, uniform data for every allegation of sexual abuse at the facility and use a standardized instrument and set of definitions. The data collected includes the data necessary to answer all the questions from the most current version of the Survey for Sexual Violence conducted by the Department of Justice. The auditor verified the data is collected and the instrument is the actual survey form.

115.87(b) Policy requires the facility to aggregate the data annually and prepare a report. The auditor reviewed the Survey form from the last three years.

115.87(d) The Ada County Jail policy and practice requires the collection of the data in accordance with this standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25
Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
The last three years of data collection on the Survey Form
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

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.

115.88(a - b) An interview with Sgt. Chad Sarmento revealed that this standard is not in policy. Therefore, the auditor finds the Ada County Jail does not meet this standard.

115.88(c) The report that is on the Ada County Sheriff’s website is the Survey of Sexual Violence and is dated 2014. It has been approved by the Ada County Sheriff but the report does not meet the criteria of this standard.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmento
2014 Survey of Sexual Violence
Ada County Sheriff’s website: adasheriff.org
Interview with Sheriff Stephen Bartlett
Interviews with Sgt. Chad Sarmento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should develop policy that the agency reviews data collected and aggregated pursuant to Standard 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training including PREA Audit Report

identifying problem areas, taking corrective action on an ongoing basis, and preparing an annual report of its findings from its data review and any corrective actions for the facility.

2. The Ada County Jail should develop policy that the annual 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.
3. The Ada County Jail should develop policy that the agency makes its annual report readily available to the public at least annually through its website, or other means, and the annual reports are approved by the Ada County Sheriff.
4. The Ada County Jail should write the annual report in accordance with this standard and post it on the Ada County Sheriff's website or make it available to the public by other means.

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail has developed the policy that the agency reviews data collected and aggregated pursuant to Standard 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies, and training including identifying problem areas, taking corrective action on an ongoing basis, and preparing an annual report of its findings from its data review and any corrective actions for the facility.
2. The Ada County Jail has developed the policy that the annual 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.
3. The Ada County Jail has developed policy that the agency makes its annual report readily available to the public at least annually through its website, or other means, and the annual reports are approved by the Ada County Legal Department and the Ada County Sheriff before being published.
4. The Ada County Jail has written its annual report for the year 2015 and is adding several years of the annual report on its website. The report complies with all requirements of the standard.

An interview with Sgt. Chad Sarmento confirmed that the annual report has been completed and is being put on the Ada County Sheriff's website, adasheriff.org. Sgt. Sarmento provided the auditor with a copy of several annual reports that have been written and approved, including the 2015 annual report.

After reviewing the revised policies and procedures and the annual report, the auditor finds that the Ada County Jail is now fully compliant in this standard.

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.

115.89(a and d) Ada County Jail Policy 1.2.25 requires that data collected according to this standard is securely retained and will maintain sexual abuse data for at least 10 years after the date of the initial collection.

115.89(b) The last data that is on the website is from 2014. Therefore, the auditor finds that the Ada County Jail does not meet this standard.

115.89(c) The Ada County Jail policy does not state that before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers and there is no report to verify that this is done.

POLICY, MATERIALS, INTERVIEWS AND OTHER EVIDENCE REVIEWED:

Ada County Jail Policy 1.2.25

Completed Pre-Audit Questionnaire submitted by Sgt. Chad Sarmiento

Ada County Sheriff's website: adasheriff.org

Interview with Sheriff Stephen Bartlett

Interviews with Sgt. Chad Sarmiento, PREA Coordinator and Emily Durbin, PREA Compliance Manager

CORRECTIVE ACTION REQUIRED:

1. The Ada County Jail should post the current year's aggregated data on its website or make it available to the public through other means.
2. The Ada County Jail should add to its policy to remove all personal identifiers before making the information available to the public

Corrective action by the Ada County Jail should be completed by May 7, 2017 to maintain a time frame within the 180 days allowed for corrective action.

VERIFICATION OF CORRECTIVE ACTION SINCE THE AUDIT:

The auditor returned to the Ada County Jail on March 20, 2017 and was provided supplemental documentation to evidence and demonstrate corrective actions taken by the Ada County Jail regarding this standard. The auditor was given a copy of the revised policies and procedures regarding the PREA standards.

1. The Ada County Jail has posted its aggregated data for five years through 2015 on the Ada County Sheriff's website, adasheriff.org.
2. The Ada County Jail has added to its policy that all personal identifiers are to be removed before making the information available to the public.

An interview with Sgt. Chad Sarmiento and review of the information confirmed the aggregated data has been added to the website and conforms to this standard.

After reviewing the revised policies and procedures and the aggregated data on the website, the auditor finds that the Ada County Jail is now fully compliant in this standard.

AUDITOR CERTIFICATION

I certify that:

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

Cynthia Malm

4/10/17

Auditor Signature

Date