

PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS

Date of report: 10/04/2016

Auditor Information			
Auditor name: Chris Sweney			
Address: P.O. Box 8840 Omaha, NE 68108			
Email: csweney.prea@gmail.com			
Telephone number: (402) 658-0344			
Date of facility visit: July 25-26 th 2016			
Facility Information			
Facility name: Buffalo County Jail			
Facility physical address: 1417 1 st Avenue, PO Box 1270, Kearney, Nebraska 68847			
Facility mailing address: <i>(if different from above)</i>			
Facility telephone number:			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input checked="" type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input type="checkbox"/> Prison	<input checked="" type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Sheriff Neil Miller			
Number of staff assigned to the facility in the last 12 months: 32			
Designed facility capacity: 205			
Current population of facility: 99			
Facility security levels/inmate custody levels: Min/Med/Max			
Age range of the population: 19-75			
Name of PREA Compliance Manager: Melodee Winter		Title: Administrative Sergeant	
Email address: 909c13@kearneygov.org		Telephone number: (302) 233-5281	
Agency Information			
Name of agency: Buffalo County Sheriff Office			
Governing authority or parent agency: <i>(if applicable)</i>			
Physical address: 1417 1 st Avenue, PO Box 1270, Kearney, Nebraska 68847			
Mailing address: <i>(if different from above)</i>			
Telephone number: (302) 233-5281			
Agency Chief Executive Officer			
Name: Neil Miller		Title: Sheriff	
Email address: sherrif@buffalocounty.ne.gov		Telephone number: (302) 233-5281	
Agency-Wide PREA Coordinator			
Name: Melodee Winter		Title: Administrative Sergeant	
Email address: 909c13@kearneygov.org		Telephone number: (302) 233-5281	

AUDIT FINDINGS

NARRATIVE

A PREA audit of the Buffalo County Jail was conducted on July 25th – 26th, 2016 by Chris Sweney, Certified PREA auditor. I was greeted by the Administrative Sergeant/PREA Coordinator and talked with her briefly about the schedule for the audit. A tour of the facility was conducted from 1000 – 1200. The areas toured were all male and female housing units, booking, laundry, recreation, central control, medical and administration. During the tour inmates and staff were briefly questioned about basic PREA information available. Pre Audit posters were observed in all housing units and common areas. No inmates specifically requested to speak with this auditor nor had this auditor received any written correspondence from inmates or staff prior to the onsite visit.

The PREA Coordinator provided the auditor with a roster of staff assigned to the Jail. A total of six (6) random staff interviews from the day and evening shift were conducted. The Sheriff and the PREA Coordinator were also interviewed. All specialized staff interviews, were completed except SANE/SAFE, all SANE/SAFE exams are performed at Good Samaritan Hospital.

The PREA Coordinator provided the auditor with a list of all (99) inmates at the facility. Inmates were randomly selected by the auditor. At least one inmate from each housing unit was interviewed including one (1) juvenile offender. There were no limited English, or vision impaired inmates. Additionally, there were no transgender, gay, lesbian or intersex inmates in the facility. A total of 12 (10 male, 2 female) random inmate interviews were completed.

The Buffalo County Jail reported zero instances of either sexual abuse or harassment for the audit period. The PREA response and investigative process was thoroughly reviewed and discussed with the Sheriff and Administrative Sergeant/PREA Compliance Manager and Jail Administrator.

DESCRIPTION OF FACILITY CHARACTERISTICS

Opened in 2010, Buffalo County operates a 205 bed, modular-supervision jail. The Buffalo County Jail is located at 1512 Central Ave. in Kearney, Nebraska and is under the operational control of the Buffalo County Sheriff's Office. The facility has five male housing units and one female housing unit. Windows on the female units have blinds to limit cross-gender viewing. Housing is available for inmates of security levels ranging from minimum to maximum and work release. The booking area is made up of a three (3) car vehicle sally port, processing area and a medical screening area. Additionally, there are separation cells that may be used for close observation of inmates. The Buffalo County jail has a significant number of cameras in all areas which are monitored by main control. The camera system has functionality which allows staff to blur toilet and shower areas reducing cross gender viewing. All staff and visitor access to the secure side of the jail is controlled at the front entrance. Visitors must present identification and sign in.

SUMMARY OF AUDIT FINDINGS

Number of standards exceeded: [Click here to enter text.](#)

Number of standards met: 42

Number of standards not met: 0

Number of standards not applicable: 1

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.

The Buffalo County Jail has a zero tolerance policy towards all forms of sexual abuse and harassment. The policy outlines how the department prevents, detects, and responds to incidents of sexual abuse and sexual harassment. The policy also includes definitions of prohibited behaviors and sanctions for those who participated in those behaviors. The policy includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.

The agency's designated PREA Coordinator is indicated by the department's organizational chart. The PREA Coordinator indicated during his interview that he has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct)
Buffalo County Organizational Chart
Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail does not contract for the confinement of their inmates. Buffalo County does however; contract to provide housing for Adams County, and the Nebraska Department of Corrections.

Policy, Materials, Interviews and Other Evidence Reviewed

Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail is a Modular facility and has a staffing plan which accounts for generally accepted detention and correctional practices; Buffalo County follows applicable State and local laws, regulations and standards to determine staffing levels. Buffalo County has no Judicial, Federal or other internal or external findings of inadequate staffing. All components of the facility's physical plant, composition of the inmate population and placement of supervisory staff are also considered. Deviations from the staffing plan are documented and reported to the Jail Administrator. Staffing requirements are assessed annually and adjustments are made if necessary.

Unannounced rounds are completed by supervisory staff and documented. Buffalo County provided documentation of unannounced rounds with the pre-audit documentation which shows this as a regular practice. During the onsite visit, supervisors showed how unannounced rounds are documented. Inmate interviews also indicated that supervisors made regular rounds in housing areas. Policy prohibits staff from alerting other staff members that supervisory rounds are occurring.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct)
Buffalo County Jail Annual Staffing Analysis
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews
Random Inmate Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail does occasionally house youthful offenders. Youthful inmates are not placed in a housing unit in which the youthful inmates are kept sight and sound separated from adult inmates. Youthful inmates have their own dayroom, shower area and sleeping quarters. The same recreation space is shared but is used at separate times.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct)
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews
Juvenile Inmate Interview

Corrective Action

No corrective action needed

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.

Buffalo County Jail policy prohibits cross-gender pat searches, strip searches or cross-gender visual body cavity searches. All strip searches are authorized by a supervisor and documented. The facility has implemented policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except when such viewing is incidental to routine checks. Jail staff is trained to conduct cross-gender pat-down searches, in case of an emergency, and searches of transgender and intersex inmates using the least intrusive method possible. Staff interviews showed a thorough understanding of the arrestee/inmate search policy. No cross-gender searches have been conducted in the twelve months prior to the on site audit.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct)
Staff training sign-in sheets
Random Staff interviews
Random Inmate interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail takes steps and has a policy which ensures inmates with disabilities have an equal opportunity to
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participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Buffalo County provides inmates with a handbook which is available in English and Spanish. Additionally, the facility has access to Spanish translators if needed. They also have access to a translation hotline. PREA posters and pamphlets are provided in English and Spanish.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews
Random Inmate Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail policy prohibits hiring and/or promoting anyone who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution. Buffalo County completes criminal background checks on all new employees, contract staff and volunteers before they are allowed to have contact with inmates. At the time of the onsite visit Buffalo County policy did not require that all new employees be asked whether they have engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse or been civilly or administratively adjudicated to have engaged in the activity described above. Additionally, Buffalo County did not have a process in place to repeat criminal background checks every five years on current employees, contract staff and volunteers.

Nothing found in policy or collective bargaining agreements prohibit Buffalo County from providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee if requested from an institutional employer for whom such employee has applied to work.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
Employee Personnel Files
Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

As of 08/24/2016 Buffalo County has updated their policy to include asking new applicants about prior sexual misconduct as described in this standard.

As of 08/31/2016 Buffalo County has implemented a process which requires background checks every five years for current employees, contract staff and volunteers.

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.

The Buffalo County Jail considers the effect of any new design, acquisition, expansion, or modification on the agency's ability to protect inmates from sexual abuse. Buffalo County Jail opened in 2010. There have been no additions or major modifications to the facility since.

Protection of inmates from sexual abuse through the installation of electronic surveillance and other technology is continuously evaluated.

Policy, Materials, Interviews and Other Evidence Reviewed

- Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Facility Tour
- Pre-Audit Questionnaire
- Facility Diagrams (Camera Placement)
- Sheriff Interview
- Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail is not responsible for conducting criminal investigations for sexual abuse; all criminal investigations requiring forensic evidence collection are turned over to the Buffalo County Sheriff office. The Buffalo County Sheriff Office is part of the Kearney Community Sexual Assault Response Team (SART). Forensic medical examinations are conducted by properly trained medical staff at Good Samaritan Hospital. Buffalo County provides victim advocates from the S.A.F.E. Center.

Policy, Materials, Interviews and Other Evidence Reviewed

- Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
- Good Samaritan Hospital Website (chihealthgoodsamaritan.org/)

Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has a policy that all allegations of sexual abuse and sexual harassment be referred for investigation to appropriate law enforcement authorities. Administrative investigations are conducted by the Jail Administrator. Criminal investigations not involving staff are forwarded to the Buffalo County Sheriff Office and investigations involving staff may be investigated by an outside agency such as the State Patrol or other law enforcement department. The Buffalo County PREA policy is available their website. Staff interviews showed an awareness of the responsibilities of each agency and inmates were confident that allegations of sexual abuse and harassment would be investigated.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct

Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews
Random Inmate Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail provides all staff with training which includes their zero tolerance policy, how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies, inmates’ right to be free from sexual abuse and sexual harassment, the right of inmates and employees to be free from retaliation for reporting abuse and all other components of this standard. Employee training is documented and maintained in

the employee's personnel file. Staff interviews verified a comprehensive understanding of PREA related training.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Lockup USA Video-*Complying with PREA for the Correctional Officer*
JDI Video-*PREA: What You Need To Know*
Staff Sign-Sheets
Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail provides all volunteers and contractors who have contact with inmates training on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies. Each volunteer and contractor is given information about PREA prior to entering the facility. Training for volunteers and contractors is documented and maintained.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
JDI Video-*PREA: What You Need To Know*
Volunteer and Contract Staff Sign-Sheets
Contract Staff Interviews

Corrective Action

No corrective action needed

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.

During the intake process Buffalo County provides inmates with information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to make a report. Within thirty days of arrival inmates are provided with additional information. Inmates acknowledge they have received and understand the information provided. Documentation is maintained in the inmates detention file. In addition to formal education the facility also provides information in the form of posters, handouts and information in the inmate handbook.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
JDI Video-PREA: *What You Need To Know*
PREA-Out of the Shadows flyer (English/Spanish)
PREA-Zero Tolerance flyer (English/Spanish)
PREA Pamphlet (English/Spanish)
Administrative Sergeant/PREA Coordinator interview
Booking Officer Interview
Random Inmate interviews

Corrective Action

As of 08/30/2016 Buffalo County has created a process to provide additional PREA information to inmates within 30 days of their arrival at the facility.

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.

The Buffalo County Jail requires specialized investigative training to internal investigators responsible for investigations within the Jail. Policies require techniques for interviewing sexual abuse victims, Miranda and Garrity warnings, sexual abuse evidence collection and criteria and evidence required to substantiate a case for administrative action or prosecution. At the time of the onsite audit Buffalo County had not yet provided specialized training for investigators.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
PREA Resource Center – Investigating Sexual Assault and Sex Related Crimes in a Confinement Setting
Buffalo County Training Acknowledgement Forms
Investigative Staff Interviews

Corrective Action

As of 09/13/2016 Buffalo County has provided specialized investigator training to those responsible for conducting investigations of sexual abuse.

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.

The Buffalo County Jail has medical staff available Monday through Friday from 8:00 am to 5:00 pm. Medical staff receives specialized PREA related training provided by the Buffalo County Jail. Specialized training includes how to detect and assess signs of sexual abuse and sexual harassment, preservation of physical evidence, responding effectively and professionally to victims of sexual abuse, and how and to whom to report sexual abuse. Buffalo County maintains documentation of specialized medical training in the employee's personnel file.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct

JDI Video-PREA: *What You Need To Know*

Medical Staff Sign-Sheets

Medical Staff Interview

Corrective Action

No corrective action needed

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.

At the time of the audit Buffalo County was not screening all inmates for risk of victimization and abusiveness upon arrival or reassessing their status within thirty (30) days.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct

Buffalo County PREA Intake/30 Day Assessment Form

Administrative Sergeant/PREA Coordinator interview

Booking Staff Interview

Random Inmate Interviews

Corrective Action

As of 08/24/2016 Buffalo County has developed and implemented a process to screen all inmates for risk of victimization and abusiveness upon arrival. The screening is completed within the first twenty-four (24) hour. The screening instrument includes whether the inmate has a mental, physical, or developmental disability, the age and physical build of the inmate, previously incarceration history, whether the inmate's criminal history is exclusively nonviolent, prior convictions for sex offenses, whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming, past sexual victimization, self-perception of vulnerability and civil immigration status. Additionally, Buffalo County has developed and implemented a process to reassess inmates within thirty (30) days of arrival at the facility based upon any additional, relevant information received by the facility since the intake screening. Inmates are not disciplined for refusing answer questions during

the screening process. Information obtained during the initial assessment and reassessment is placed in the inmate's classification file. Only authorized staff has access to these 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)

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At the time of the audit Buffalo County was not using information from the risk assessment to inform housing, bed, work, education, and program assignments.

Buffalo County does consider housing for transgender or intersex inmates on a case-by-case basis, placement considers the inmate's health and safety, and whether the placement would present management or security problems. Transgender or intersex inmate's placement is reassessed as needed.

Transgender or intersex inmate's own view with respect to his or her own safety is given consideration.

Transgender and intersex inmates are given the opportunity to shower separately from other inmates.

Buffalo County does not place lesbian, gay, bisexual, transgender, or intersex inmates in a dedicated unit based solely on identification or status.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
Buffalo County PREA Intake/30 Day Assessment Form
Administrative Sergeant/PREA Coordinator interview
Booking Staff Interview
Random Inmate Interviews

Corrective Action

As of 08/24/2016 Buffalo County has developed and implemented a process to screen all inmates for risk of victimization and abusiveness upon arrival. Additionally, Buffalo County has developed and implemented a process to reassess inmates within thirty (30) days of arrival at the facility. Information gathered during the screening process is incorporated into the overall classification process and used to determine housing and other opportunities within the facility.

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.

The Buffalo County Jail does not have a separate protective custody unit; however, space is available to separate inmates as needed. Inmates that report sexual abuse may be housed separately until an investigation is completed. An assessment of the offender is completed within 24 hours and every 7 days thereafter to determine the offender’s status. Inmates in protective custody are seen by medical and mental health staff.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail provides multiple ways for offenders to report sexual abuse, sexual harassment, retaliation and staff neglect. Inmates may contact the Nebraska State Ombudsman Office by phone or they may write the address provided on the. Facility staff accepts reports made verbally, in writing, anonymously, and from third parties. Staff may also privately report sexual abuse themselves. All reports are documented and investigated by qualified staff. Buffalo County does not house civil immigration detainees. At the time of the onsite visit, contact information was available in most locations in the facility but inmate interviews showed that few inmates were aware that they could contact someone outside the facility. Inmate interviews did show a thorough understanding of all internal ways to report sexual abuse and harassment and inmates were confident that staff would thoroughly investigate any allegation of sexual abuse or harassment.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
JDI Video-PREA: *What You Need To Know*
PREA-Out of the Shadows flyer (English/Spanish)
PREA-Zero Tolerance flyer (English/Spanish)
PREA Pamphlet (English/Spanish)
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews
Random Inmate interviews

Corrective Action

No corrective action needed

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 Buffalo County Jail does not impose a time limit when an inmate submits a grievance regarding an allegation of sexual abuse, nor does it require an inmate to use an informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Inmates who allege sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint. Buffalo County insures the grievance is not referred to the staff member who is the subject of the complaint. The Buffalo County Jail issues a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

This time period does not include time consumed by inmates in preparing any administrative appeal. Buffalo County may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. Buffalo County notifies the inmate in writing of any such extension and provides a date by which a decision will be made.

If the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, are permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates. If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process. If the inmate declines to have the request processed on his or her behalf, the Buffalo County Jail documents the inmate’s decision.

The Buffalo County Jail has established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, Staff immediately forwards the grievance to a level of review at which immediate corrective action is taken. An initial response is provided within 48 hours, and a final decision is made within 5 calendar days.

In the past twelve months the Buffalo County Jail has not received any grievances dealing with sexual abuse or harassment. Inmates were aware that they could submit a grievance or emergency grievance to address sexual abuse and harassment.

Policy, Materials, Interviews and Other Evidence Reviewed

- Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
- Buffalo County Stand Operating Procedure E-400 Inmate Grievances
- PREA Pamphlet (English/Spanish)
- Administrative Sergeant/PREA Coordinator interview
- Random Staff Interviews
- Random Inmate interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail provides inmates with access to outside support services through S.A.F.E. Center. Inmates may contact S.A.F.E. Center by phone or they may write to their office in Kearney. Documentation about services is provided to each inmate upon intake into the facility and information is posted in all living units. Additional information is available upon request. Inmates are informed that phone calls may be monitored and incoming and outgoing mail may be checked.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
 PREA Posters (English/Spanish)
 PREA Pamphlet (English/Spanish)
 Administrative Sergeant/PREA Coordinator interview
 Random Inmate interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail accepts and investigates third-party reports of sexual abuse and harassment. Information is posted in the visiting area and phone numbers are available for the public to make a report. Staff is aware that third-party reports where to be treated the same as first hand report. At the time of the onsite visit, contact information was available in most locations in the facility but inmate interviews showed that few inmates were aware that they could contact someone outside the facility. Inmate interviews did show a thorough understanding of all internal ways to report sexual abuse and harassment. Inmates where however, confident that staff would thoroughly investigate any allegation of sexual abuse or harassment.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
 PREA Pamphlet (English/Spanish)
 Administrative Sergeant/PREA Coordinator interview
 Random Staff Interviews
 Random Inmate interviews

Corrective Action

No corrective action needed

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.

Buffalo County Jail policy requires all staff to immediately report and document sexual abuse and sexual harassment, including third-party and anonymous reports. Staff is prohibited from discussing information related to sexual abuse reports with anyone other than those directly involved. Medical staff is required to report sexual abuse and harassment. During the initial medical screening, intake staff informs inmates of their duty to report and limits of confidentiality.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
PREA Pamphlet (English/Spanish)
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews
Random Inmate interviews

Corrective Action

No corrective action needed

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.

Buffalo County Jail policy and training requires immediate action to protect inmates that are at a substantial risk of sexual abuse. Inmate risk levels are assessed on a regular basis. Buffalo County provided documentation which shows inmates at a high risk of sexual abuse where housed appropriately.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
PREA Pamphlet (English/Spanish)
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has policies that address allegation when an inmate was sexually abused while confined at another facility, the policy require the Jail Administrator contact the agency head where the alleged abuse had occurred. This notification shall be made within 72 hours of receiving the information and documented. During this audit year Buffalo County has not received information that would require this type of notification.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has a policy and provides training to all first responders which include the separation of the alleged victim and abuser; preservation and protection of the crime scene until appropriate steps can be taken to collect evidence; the collection of physical evidence, requesting that the alleged victim not take any actions that could destroy physical evidence, including, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and ensuring that the alleged abuser does not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. Staff interviews showed a thorough understanding of their first responder duties.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Lockup USA Video-*Complying with PREA for the Correctional Officer*
JDI Video-*PREA: What You Need To Know*
Sheriff Interview

Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has a coordinated response plan which includes first responders, medical and mental health practitioners, investigators, and facility leadership. Interviews were conducted with all staff involved indicated in the response plan. Staff interviews showed an awareness of their individual responsibilities.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Lockup USA Video-*Complying with PREA for the Correctional Officer*
JDI Video-*PREA: What You Need To Know*
Administrative Sergeant/PREA Coordinator interview
Medical Staff Interview
Random Staff Interviews

Corrective Action

No corrective action needed

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 Buffalo County Jail has space and ability to protect inmates from known abusers. Buffalo County Jail employees are not covered by a collective bargaining agreement. Nothing in county policy prevents administrative staff from removing an employee during an investigation.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
PREA Audit Report

Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has policies and processes in place to protect inmates and staff that report sexual abuse and harassment. The PREA Coordinator is responsible for this process. Those that report are monitored for at least ninety (90) days. Monitoring includes any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. Buffalo County policy allows the monitoring period to be continued as needed. At the time of the onsite visit Buffalo County did not have a formalized process to document how the monitoring was being conducted.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
Buffalo County PREA 90 Day Review and Tracking Form
Administrative Sergeant/PREA Coordinator interview
Booking Staff Interview

Corrective Action

As of 08/24/2016, the Administrative Sergeant/PREA Coordinator has created a 90 Day Review and Tracking Form which includes inmate disciplinary reports, housing changes, program changes, grievances, good time changes, classification, behavior notes, changes in staffing, and other relevant information. The new form has been integrated it into the agency’s PREA policy.

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.

The Buffalo County Jail may use segregated housing to protect those that report sexual abuse. Victims placed in protective custody are monitored and seen by medical and mental health. Placement is reviewed within twenty-four hours and again

within thirty days. Alternative housing is generally found within thirty days of placement. Buffalo County documents any restriction or loss of privileges due to being placed in protective custody. During the 12 months prior to the audit no inmate was placed on involuntary segregation after reporting sexual abuse.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews
Random Inmate Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has a policy that all allegations of sexual abuse and sexual harassment be referred for investigation to appropriate law enforcement authorities. Administrative investigations are conducted by the Jail Administrator. Criminal investigations not involving staff are forwarded to the Buffalo County Sheriff Office or may be investigated by another outside agency. Facility staff is required to cooperate fully with all internal and external investigations. Investigators receive specialized training to conduct investigations dealing with sexual assault and abuse. Evidence is collected using a uniform method that preserves evidence. Buffalo County policy requires that all documentation from investigations be maintained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Investigative Staff Interviews
Random Staff Interviews

Corrective Action

No corrective action needed.

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.

Interviews with investigative staff indicate that Buffalo County imposes a standard of preponderance of evidence for proof, or a lower standard, when determining whether allegations of sexual abuse or sexual harassment are substantiated.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Investigative Staff Interviews
Random Staff Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail informs inmates as to whether allegations of sexual abuse have been determined to be substantiated, unsubstantiated, or unfounded. Facility staff meets with the inmate to discuss the findings. Processes are in place to notify an inmate of the outcome of an investigation involving staff sexual misconduct. Policy requires that an inmate is notified when the staff member is no longer posted in the inmate’s unit, the staff member is no longer employed at the facility, the staff member has been indicted on a charge related to the reported conduct, and/or the staff member has been convicted.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has a policy that addresses staff sexual misconduct. Sanctions include termination and criminal prosecution. Termination is the presumptive disciplinary sanction for staff that engages in sexual misconduct. Investigations are completed even if the employee chooses to resign. Random staff interviews showed a clear understanding that sexual misconduct is not acceptable.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Random Staff Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has policies which address contractors and volunteers who engage in sexual abuse. Contractors and volunteers that engage in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies and to relevant licensing bodies. Medical staff and volunteers are provided training on these policies and where aware of the consequences for engaging in sexual misconduct with an inmate.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Medical Staff Interview
Volunteer Interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail has a formal disciplinary process which addresses inmates that engage in inmate-on-inmate sexual abuse. Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. Buffalo County’s disciplinary process considers whether an inmate’s mental status contributed to his or her behavior when determining what type of sanction to impose. Buffalo County’s policy allow for the punishment of an inmate for engaging in sexual contact with a staff member only if the staff member did not consent to the act. Inmate interviews reveled a thorough understanding that sexual contact between inmates and/or staff was not acceptable.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
 JDI Video-PREA: *What You Need To Know*
 PREA-Out of the Shadows flyer (English/Spanish)
 PREA-Zero Tolerance flyer (English/Spanish)
 PREA Pamphlet (English/Spanish)
 Sheriff Interview
 Administrative Sergeant/PREA Coordinator interview
 Random Inmate Interviews

Corrective Action

No corrective action needed

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.

The Buffalo County Jail conducts medical screenings upon intake and again within fourteen days of the offender’s arrival at the facility. Information related to sexual victimization or abusiveness that occurred in an institutional setting is limited to medical and mental health practitioners and other select staff, informed consent is obtained before information is shared with additional staff.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
 Intake Medical Screenings
 Administrative Sergeant/PREA Coordinator interview
 Booking Staff Interview
 PREA Audit Report

Medical Staff Interview
Random Inmate Interviews

Corrective Action

No corrective action needed

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.

Upon receiving a report of sexual abuse, the Buffalo County Jail does not restrict access to medical treatment. Victims are transferred to the Good Samaritan Hospital and attended to by qualified medical staff at no charge. Victims of sexual abuse receive medical attention regardless of whether the victim names the abuser or cooperates with any investigation

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
Good Samaritan Hospital Website (chihealthgoodsamaritan.org/)
Administrative Sergeant/PREA Coordinator interview
Medical Staff Interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victims of sexual abuse in any facility. Buffalo County policy requires the evaluation and treatment of victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following transfer to, or placement in, other facilities, or their release from custody. Buffalo County requires that medical and mental health staff provide all victims with medical and mental health services consistent with the community level of care. Buffalo County policy requires that inmate victims of sexually abusive including vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results victims receive timely and comprehensive information about to all lawful pregnancy-related medical services. Buffalo County policy allows victims of sexual abuse to be tested for sexually transmitted infections as

medically appropriate. Buffalo County policy requires that medical and mental health staff provide treatment services to victims without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
Good Samaritan Hospital Website (chihealthgoodsamaritan.org/)
Administrative Sergeant/PREA Coordinator interview
Medical Staff Interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail conducts a sexual abuse incident review at the conclusion of every substantiated and unsubstantiated sexual abuse investigation. Buffalo County ensures that reviews occur within 30 days of the conclusion of the investigation. The review team consist of upper management staff, with input from line supervisors, investigators, medical and mental health practitioners. The review team considers whether the allegations indicate a need to change policy and/or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at facility; and they examine the area in the facility where the incident occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff. Recommendations are documented and the report is submitted to the Jail Administrator. The Buffalo County Jail implements recommendations for improvement or documents reasons improvements cannot be made. At the time of the onsite visit Buffalo County did not have a formalized process to document an incident review as required in the standard.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
Sheriff Interview
Administrative Sergeant/PREA Coordinator interview
Investigative Staff Interview
Medical Staff Interview

Corrective Action

As of 08/24/2016 Buffalo County has developed a process and form to document sexual abuse incident reviews. The incident review form insures all required information is reviewed, including whether the allegation indicate a need to change policy and/or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at facility; and they examine the area in the facility where the incident occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to

supplement supervision by staff.

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.

The Buffalo County Jail collects accurate, uniform data for every allegation of sexual abuse at the facility using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually. The data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. Buffalo County reviews and collects data as needed from all available documents, including reports, investigation files, and sexual abuse incident reviews. Buffalo County does not contract its inmates to other facilities. Buffalo County provides all data from the previous calendar year to the Department of Justice upon request.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed.

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.

The Buffalo County Jail reviews data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings and corrective action. The report is approved by the Jail Administrator and made readily available to the public on their website. Buffalo County redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of the facility.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct 2015 Annual Report
Sheriff Interview

PREA Audit Report

Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

The Buffalo County Jail makes all aggregated sexual abuse data readily available to the public. All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires.

Policy, Materials, Interviews and Other Evidence Reviewed

Buffalo County Jail Post Order (Prison Rape Elimination Act (PREA) and Sexual Misconduct
2015 Annual Report
Sheriff Interview
Administrative Sergeant/PREA Coordinator interview

Corrective Action

No corrective action needed

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.

Chris Sweney DOJ Certified Auditor _____

10/04/2016 _____

Auditor Signature



Date