

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

Interim       Final

Date of Interim Audit Report:       N/A

Date of Final Audit Report:      August 9, 2021

## Auditor Information

Name: Dave Andraska

Email: ddafalls@hotmail.com

Company Name: Andraska Consulting, LLC

Mailing Address: P.O. Box 191

City, State, Zip: Melrose, WI 54642

Telephone: 715-896-2648

Date of Facility Visit: June 23-25, 2021

## Agency Information

Name of Agency: Waukesha County Sheriff's Office

Governing Authority or Parent Agency (If Applicable):

Physical Address: 515 W. Moreland Blvd.

City, State, Zip: Waukesha, WI 53188

Mailing Address: 515 W. Moreland Blvd.

City, State, Zip: Waukesha, WI 53188

The Agency Is:

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

Agency Website with PREA Information: <https://www.waukeshacounty.gov/jail-division/county-jail-and-huber-facility-PREA/>

## Agency Chief Executive Officer

Name: Eric Severson

Email: Sheriff@waukeshacounty.gov

Telephone: 262-541-7122

## Agency-Wide PREA Coordinator

Name: Larry Compton

Email: lcompton@waukeshacounty.gov

Telephone: 262-548-7170

PREA Coordinator Reports to:

Karla Gabor, Corrections Captain

Number of Compliance Managers who report to the PREA Coordinator:

4

## Facility Information

**Name of Facility:** Waukesha County Jail & Huber Facility

**Physical Address:** 515 Moreland Blvd.

**City, State, Zip:** Waukesha, WI 53188

**Mailing Address (if different from above):**

**City, State, Zip:**

**The Facility Is:**

Military

Private for Profit

Private not for Profit

Municipal

County

State

Federal

**Facility Type:**

Prison

Jail

**Facility Website with PREA Information:** <https://www.waukeshacounty.gov/jail-division/county-jail-and-huber-facility-PREA/>

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

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

ACA

NCCCHC

CALEA

Other (please name or describe:

N/A

**If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:**  
Click or tap here to enter text.

### Warden/Jail Administrator/Sheriff/Director

**Name:** Angela Wollenhaupt

**Email:** Awollenhaupt@waukeshacounty.gov

**Telephone:** 262-548-7170

### Facility PREA Compliance Manager

**Name:** Second Shift Supervisors

**Email:**

**Telephone:** 262-548-7170

### Facility Health Service Administrator N/A

**Name:** James Matthews

**Email:** jmatthews@wellpath.us

**Telephone:** 262-548-7170

### Facility Characteristics

**Designated Facility Capacity:**

Jail: 489, Huber Facility: 322

**Current Population of Facility:**

Jail: 346, Huber Facility: 90

**Average daily population for the past 12 months:**

406

Has the facility been over capacity at any point in the past 12 months?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Which population(s) does the facility hold?	<input type="checkbox"/> Females <input type="checkbox"/> Males <input checked="" type="checkbox"/> Both Females and Males
Age range of population:	17-82
Average length of stay or time under supervision:	Varies
Facility security levels/inmate custody levels:	Initial, Restrictive, Medium, Direct, Close Custody, Huber
Number of inmates admitted to facility during the past 12 months:	8399
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:	1731
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:	640
Does the facility hold youthful inmates?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)	130 <input type="checkbox"/> N/A
Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Select all other agencies for which the audited facility holds inmates: Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies):	<input type="checkbox"/> Federal Bureau of Prisons <input checked="" type="checkbox"/> U.S. Marshals Service <input checked="" type="checkbox"/> U.S. Immigration and Customs Enforcement <input type="checkbox"/> Bureau of Indian Affairs <input type="checkbox"/> U.S. Military branch <input checked="" type="checkbox"/> State or Territorial correctional agency <input checked="" type="checkbox"/> County correctional or detention agency <input type="checkbox"/> Judicial district correctional or detention facility <input checked="" type="checkbox"/> City or municipal correctional or detention facility (e.g. police lockup or city jail) <input type="checkbox"/> Private corrections or detention provider <input type="checkbox"/> Other - please name or describe: <a href="#">Click or tap here to enter text.</a> <input type="checkbox"/> N/A
Number of staff currently employed by the facility who may have contact with inmates:	148
Number of staff hired by the facility during the past 12 months who may have contact with inmates:	37
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	1
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	118
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	0

## Physical Plant

<p><b>Number of buildings:</b></p> <p>Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.</p>	2
<p><b>Number of inmate housing units:</b></p> <p>Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.</p>	24
<p><b>Number of single cell housing units:</b></p>	9
<p><b>Number of multiple occupancy cell housing units:</b></p>	0
<p><b>Number of open bay/dorm housing units:</b></p>	15
<p><b>Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):</b></p>	380
<p><b>In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p><b>Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## Medical and Mental Health Services and Forensic Medical Exams

<p><b>Are medical services provided on-site?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>Are mental health services provided on-site?</b></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p><b>Where are sexual assault forensic medical exams provided?</b> Select all that apply.</p>	<input type="checkbox"/> On-site <input checked="" type="checkbox"/> Local hospital/clinic <input type="checkbox"/> Rape Crisis Center <input type="checkbox"/> Other (please name or describe: <a href="#">Click or tap here to enter text.</a> )
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### Investigations

#### Criminal Investigations

<p><b>Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:</b></p>	<p>21</p>
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<p><b>When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by:</b> Select all that apply.</p>	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
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<p><b>Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)</b></p>	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: <a href="#">Click or tap here to enter text.</a> ) <input checked="" type="checkbox"/> N/A
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#### Administrative Investigations

<p><b>Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?</b></p>	<p>39</p>
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<p><b>When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply</b></p>	<input type="checkbox"/> Facility investigators <input checked="" type="checkbox"/> Agency investigators <input type="checkbox"/> An external investigative entity
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<p><b>Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for administrative investigations)</b></p>	<input type="checkbox"/> Local police department <input type="checkbox"/> Local sheriff's department <input type="checkbox"/> State police <input type="checkbox"/> A U.S. Department of Justice component <input type="checkbox"/> Other (please name or describe: <a href="#">Click or tap here to enter text.</a> ) <input checked="" type="checkbox"/> N/A
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# Audit Findings

## Audit Narrative (including Audit Methodology)

The Prison Rape Elimination Act (PREA) Audit of the Waukesha County Jail and Huber Facility (Waukesha County Jail) which is a division of the Waukesha County Sheriff's Department (WSD) was conducted on June 23-25, 2021 by Department of Justice (DOJ) Certified PREA Auditor Dave Andraska. The PREA Auditing Services Contract between WSD and Andraska Consulting, LLC was dated April 18, 2021. This was the second PREA audit for the facility. The Auditor was in contact, by phone and email with the WSD PREA Coordinator to discuss the posting of audit notice, Pre-Audit Questionnaire, audit process and logistics. The pre-audit preparations consisted of a thorough review of all documentation and materials submitted by the facility. The Auditor received the PREA Pre-Audit Questionnaire (PAQ) and supporting documents on a thumb drive provided by the agency. The thumb drive contained WSD policies, procedures, examples of completed acknowledgements, forms, posters, pamphlets, brochures, handbooks, educational materials, training curriculums, organizational chart and other PREA related materials. The auditor also reviewed the WSD website, the annual PREA reports and the prior PREA Audit Report of the facility. Just Detention International (JDI) was contacted by phone in reference to any information submitted by inmates. JDI responded indicating they did not receive any PREA-related information regarding this facility.

It should be noted that as a result of COVID-19 precautions, program and education contractors, volunteers and visitor access to the facility was not allowed for the past year. Mandatory facial coverings (masks) were required for all staff, inmates and the auditor. All newly arrived inmates are required to be isolated if needed for a quarantine period. The audit began on Wednesday morning June 23, 2021 with an entrance meeting with the PREA Coordinator, to provide an overview of the audit process and finalize the facility tour and interview schedule. The facility was advised that PREA audits are practice based audits and do not rely solely on policies and procedures or past audit results. Rather, the audit utilizes a practice-based methodology to assess policy implementation and day-to-day practices used by facility staff. The auditor discussed privacy relative to interviews of staff and inmates. The Auditor requested and was provided with an master staffing report, shift rooster, complete list of all inmates in the facility on the first day of the audit by housing location, Inmate at risk log, list of inmates that reported PREA allegations in the past 12 months, and a list of disabled and limited English proficient (LEP) inmates for the selection of interviews. During the site review, the auditor had full access and observed activities of the entire facility. The PREA Coordinator accompanied the auditor on the site review.

The review of practices during the site review included; the locations of cameras and mirrors, physical plant and housing unit layout, restrooms, staffing, sight lines and the placement of PREA posters and information.. Inmates were able to shower, dress and use the toilet facilities without exposing themselves to staff of the opposite gender. Areas visited during the tour included the intake area, restrictive housing unit, all inmate housing units including the shower areas, recreation areas, classrooms, commissary, medical, laundry, kitchen, change out rooms, and visitation. PREA posters and PREA information were in all areas accessible to inmates and staff in both English and Spanish. The Auditor tested the PREA hotline phone number and found it to be functional. The notification of the PREA audit visit in English and Spanish was observed in all areas of the facility visible to staff, inmates, and the public. The notification of the PREA audit visit was documented as posted on May 7 & 8, 2021 by date stamped pictures provided by the facility. During interviews with random inmates, they verified they seen the notice of the PREA audit posted.

The Waukesha County Jail has 148 staff that may have contact with inmates. A total of 29 staff members were interviewed during the course of this audit. The security staff is assigned three 8 hours shifts. The auditor conducted interviews with 11 random security staff on all shifts. Maintenance is performed by Waukesha County employees and one maintenance staff was interviewed. Contract staff is utilized for medical/mental health services, education, food service and commissary. A total of four contract staff were interviewed. 13 specialized staff members were interviewed that encompassed the

following specialized roles; Agency Head, Jail Administrator, PREA Coordinator, PREA Compliance Manager, Investigator, Security Supervisor, Medical and Mental Health staff, Human Resources staff, PREA Screening staff, Intake staff, staff that supervise juvenile inmates, Retaliation Monitor, and an Incident Review Team member. There were no volunteers available to interview. All staff at the Waukesha County Jail are trained as first responders and uniform and non-uniform staffs interviewed were well versed in their areas of responsibility regarding responding to PREA allegations.

On the first day of the audit there were 346 inmates at the jail (302 males and 44 females) and 90 inmates at the Huber Facility (72 males and 18 females) for a total of 436 inmates. There were 433 adult inmates and three juvenile inmates. A total of 28 inmates were interviewed. 15 inmates were randomly selected and 13 inmates were in the targeted group. The target group included one inmate that was a juvenile, one inmate who was hard of hearing, one inmate that was legally blind, two inmates that had cognitive disabilities, one inmate that self-reported as LGB, four inmates that had reported sexual abuse and three inmates that were identified at intake as potential victims. There were no transgender or intersex inmates, inmates with physical disabilities or inmates in segregated housing for high risk of sexual victimization. One inmate refused to be interviewed and was replaced. All inmates interviewed were aware of the agency's zero tolerance policy regarding sexual abuse and harassment and the procedures for reporting. Overall inmates stated they felt safe at the facility. No inmates contacted the auditor prior to the on-site audit. One inmate requested to speak with the auditor while onsite and was interviewed.

There were 26 allegations of sexual abuse/harassment reported in the past 12 months and all were investigated and completed. There was five (5) staff on inmate sexual abuse allegations with findings of two (2) substantiated and three (3) unfounded. There were ten (10) staff-on-inmate sexual harassment allegations with findings of two (2) substantiated, five (5) unsubstantiated and three (3) unfounded. There were two (2) inmate-on-inmate sexual abuse allegations with findings of one (1) substantiated and one (1) unfounded. There were nine (9) inmate-on-inmate sexual harassment allegations with findings of one (1) substantiated, seven (7) unsubstantiated and one (1) unfounded.

In addition to a complete tour of the facility, the on-site visit consisted of a thorough review of inmate files, staff training records, personnel files, investigative reports, supporting documentation and formal interviews with staff and inmates. The auditor randomly selected and reviewed 18 files of inmates currently at the facility during the on-site audit. The documentation indicated inmates received PREA information during intake and PREA education within 30 days of arrival. Inmates signed acknowledgement forms indicating they received and understood the PREA information. The documentation associated with initial PREA risk screenings and reassessments indicated all screenings were completed within the required timelines. The auditor examined a random sample of personnel files and staff training files. New hires are not allowed entrance into the facility until a thorough background check is completed. Five year criminal background checks are also performed. The training records were reviewed and indicated staff receives the required PREA training upon hire and annually. The training records were complete and included written documentation that staff received and understood the PREA training.

An exit briefing was conducted on June 25, 2021 with the PREA Coordinator. The auditor thanked the PREA Coordinator and facility staff for their hospitality and all the assistance and cooperation they provided during the audit. Discussion included general observations and preliminary findings. The post-audit phase was described and timelines for submitting additional documentation if needed and issuing the audit report was discussed.



## Facility Characteristics

There are two Waukesha County Sheriff's Department correctional facilities: the County Jail and the Huber Facility. The Waukesha County Jail is located at 515 West Moreland Blvd, in Waukesha, Wisconsin.

The Huber Facility is located offsite at 1400 Northview Road, in Waukesha Wisconsin approximately 2 miles from the Jail.

The Waukesha County Jail is a 489-bed facility which is a combination of direct supervision and remote supervision housing pods. The County Jail is a maximum-security facility which houses male and female, pre-trial and sentenced offenders. Consistent with the Jail Division's mission statement to "safely and securely confine individuals in the least restrictive environment consistent with behavior, adjustment, special needs and severity of charges", the Jail Division maintains special programming to address inmate needs to include:

- Adult basic education, GED and adult high school classes.
- Career education and job-seeking skills.
- Alcohol and other addiction education, programs and counseling.
- Religious counseling, services and studies.

The Sheriff's Department also operates the Huber Law or work release facility. The Huber facility can house 322 male and female inmates. Inmates confined at the Huber Facility are allowed out of the facility for the purpose of work, education, child or elder care and treatment purposes.

## Summary of Audit Findings

### Standards Exceeded

**Number of Standards Exceeded:** 2  
**List of Standards Exceeded:** 115.11 and 115.17

### Standards Met

**Number of Standards Met:** 43

### Standards Not Met

**Number of Standards Not Met:** 0  
**List of Standards Not Met:**



## PREVENTION PLANNING

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

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

#### 115.11 (a)

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

#### 115.11 (b)

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

#### 115.11 (c)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Organizational Chart
3. WSD/Jail Division Policy and Procedure 361.12 – Inmate Sexual Assault: Prevention, Detection and Response
4. WSD website
5. Observation while on-site

6. Interviews with the following:

- a. Jail Administrator
- b. PREA Coordinator
- c. PCM
- d. Staff
- e. Random Inmates

115.11(a) addresses the requirements of this provision. The policy states; “The Waukesha County Sheriff’s Department is committed to zero tolerance of the sexual abuse and harassment of inmates, by staff, volunteers, contractors, or by other inmates and will comply with the national jail standards to prevent, detect and respond to sexual abuse in correctional institutions as mandated by the Prison Rape Elimination Act.”

WSD/Jail Division Policy and Procedure 361.12 is a written policy mandating zero tolerance towards all forms of sexual abuse and sexual harassment and prohibits retaliation against inmates or any staff who reports sexual harassment or sexual abuse against an inmate, or cooperates with an investigation. The policy includes definitions that are consistent with the PREA definitions. The policy outlines the agency’s approach to preventing, detecting, and responding to sexual abuse and sexual harassment; and details employee and inmate disciplinary sanctions for violating the sexual abuse and harassment policy. The policy was found to be comprehensive and address all provisions of the PREA standard. The agency’s zero-tolerance policy is also posted on its website.

During interviews with staff, each confirmed receiving PREA training and was knowledgeable of their roles and responsibilities. PREA training is provided to staff during pre-service and annually as outlined in policy. Those staff shared their understanding of the agency’s zero tolerance toward sexual abuse and sexual harassment within the guidelines of the PREA standards. They also stated the Waukesha County Jail takes PREA allegations very serious. Interviews with inmates indicated they felt safe, received PREA information and were aware of the zero tolerance policy and how to report sexual abuse, harassment and retaliation allegations. PREA posters and literature describing the agency’s zero tolerance toward sexual abuse and sexual harassment were observed by the auditor to be strategically located and accessible throughout the facility for staff and inmate awareness.

115.11(b) WSD/Jail Division Policy and Procedure 361.12, Section 25 states, “PREA Coordinator and PREA Compliance Manager.

a) Coordinator: The jail administrator or designee will assign an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee the Waukesha County Sheriff’s Department Jail Division efforts to comply with the PREA standards.

b) Compliance Manager: The jail administrator or designee will assign a PREA compliance manager with sufficient time and authority to coordinate each facility’s efforts to comply with the PREA standards.

1. All 1500 shift supervisors will be designated as Compliance Managers for the purpose of this policy.”

WSD employs an upper-level, agency-wide PREA Coordinator who is a Lieutenant in the Jail Division. He is very knowledgeable and is proactive and committed to the implementation and enforcement of all PREA standards. The facility’s organizational chart illustrates the PREA Coordinator’s position within the facility. The PREA Coordinator reports directly to the Jail Administrator regarding PREA issues. Although WSD has only one facility it also established PREA Compliance Managers. All second shift supervisors are designated as Compliance Managers and serve as assistants and backup to the PREA Coordinator. Interviews with the PREA Coordinator and a PREA Compliance Managers stated they have sufficient time and authority to manage their PREA-related responsibilities.

Based on the review of established policies and procedures, organizational charts, staff hiring and promoting practices, staff PREA training, Inmate PREA screening, education and information, interviews with staff and inmates, observation of bulletin boards, posters and PREA material during the

tour of the facility, the designation of an Agency PREA Coordinator and facility PREA Compliance Managers it is apparent that the Waukesha County Jail is committed to zero tolerance of sexual abuse and sexual harassment and exceeds the requirement of this standard.

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

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

### 115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)  Yes  No  NA

### 115.12 (b)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. Interviews with the following:
  - a. PREA Coordinator
  - b. Jail Administrator

WSD does not contract with other private agencies or entities for the confinement of inmates, residents or detainees. This was confirmed through interviews with the Jail Administrator and PREA Coordinator.

## Standard 115.13: Supervision and monitoring

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

### 115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?  
 Yes  No

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

#### 115.13 (b)

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

#### 115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?  Yes  No

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

#### 115.13 (d)

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

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 356.8 - Facility Inspection and Patrol
4. WSD/Jail Division Policy and Procedure 362.4 – Well Being and Housing checks
5. Staff schedules
6. Observation while on-site
7. Interviews with the following:
  - a. PREA Coordinator
  - b. Jail Administrator
  - c. Intermediate or Higher Level Facility Staff
  - d. Random staff

115.13(a) The Waukesha County Jail has developed and documented a staffing plan, that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates from sexual abuse and harassment and make its best efforts to comply on a regular basis with a staffing plan. The staffing plan uses the criteria found in Standard 115.13 (a), to include generally accepted correctional practices; any judicial findings of inadequacy; any findings of inadequacy from Federal investigative agencies; any findings of inadequacy from internal or external oversight bodies; all components of the institution's physical plant (including "blind spots" or areas where staff or inmates may be isolated); composition of the inmate population; number and placement of supervisory staff; institution programs occurring on a particular shift; any applicable State or local laws, regulations, or standards; prevalence

of substantiated and unsubstantiated incidents of sexual abuse; and other relevant factors to develop and review the staffing plan. The staffing plan was based on the average daily population of 442 inmates.

115.13(b) The facility does not deviate from the staffing plan. All positions are filled on a daily basis. The facility maintains the required minimum security staffing at all times by utilizing overtime. Per the Pre-audit questionnaire and interview with the Jail Administrator and review of staffing schedules, there were no deviations from the plan during the audit period.

115.13(c) Annual reviews of the staffing plan in collaboration with the PREA Coordinator have been completed. The review considered all relevant factors and follows generally accepted correctional practices. There have been no findings of inadequacy from any external or internal oversight bodies. All components of the facility's physical plant are considered and blind-spots are acknowledged and steps are taken to fix the blind spots. The composition of the inmate population and the prevalence of substantiated and unsubstantiated incidents of sexual abuse is also mentioned. The 2021 PREA Staffing Plan was reviewed and determines and documents whether adjustments are needed to the staffing plan, the facility's deployment of video monitoring and other monitoring technologies, and the resources the facility has available to commit to ensure adherence to the staffing plan.

115.13(d) WSD/Jail Division Policy and Procedure 356.8, section 7 states in part, "Shift Supervisor Facility Rounds. At least once each operations shift, an assigned shift supervisor will make rounds of each duty position at the County Jail and Huber Facility. These checks will be unannounced. Jail staff members are prohibited from alerting other staff members that these supervisory rounds are occurring, unless an announcement is unavoidable due to a purpose related to the legitimate operational functions of the facility." Intermediate and higher level supervisors per policy are required to conduct and document unannounced PREA rounds on all shifts to deter and identify staff sexual abuse and sexual harassment. The unannounced PREA rounds are documented in logs. The logs was reviewed by the auditor and found that rounds were being consistently completed and documented. Interviews with Shift Supervisors confirmed rounds are made daily. Staff interviews indicated management staff conducts unannounced rounds on all shifts.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.14: Youthful inmates

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

#### 115.14 (a)

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

#### 115.14 (b)

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



### 115.14 (c)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 362.8 - Juvenile Inmate Housing and Management
3. WSD/Jail Division Policy and Procedure 361.12
4. Observation while on-site
5. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff supervising youthful offenders
  - c. Youthful offender

115.14 (a) WSD/Jail Division Policy and Procedure 362.8 states, "Juvenile inmates will not be placed in a housing unit in which the juvenile inmate will be in sight, sound or physical contact with any adult inmate through the use of a shared dayroom or other common space, shower area or sleeping quarters."

Per observation, juvenile inmates were housed in areas that provided sight, sound and physical contact from adult inmates.

115.14(b) WSD/Jail Division Policy and Procedure 362.8 states, "In areas outside of the housing units, sight/sound separation must be maintained or direct staff supervision must be provided. Direct staff supervision indicates a correctional officer is in the same room with, and within reasonable hearing distance of, the juvenile inmate. For the purpose of this policy, juvenile refers to any person under the age of 18 who is incarcerated at the Waukesha County Jail."

Per interview with security staff, juveniles are always escorted by staff when leaving their housing units. Adult inmates would be locked in during juvenile movement.



115.149(c) WSD/Jail Division Policy and Procedure 362.8 states, “Best efforts will be made to avoid placing juvenile inmates in isolation to comply with this provision. Absent exigent circumstances, juvenile inmates will not be denied recreation and any legally required special education services to comply with this provision.”

Per observation, juvenile inmates were not housed in a segregation unit. Juvenile inmates are allowed recreation.

There were three (3) juvenile inmates at the Waukesha County jail during the on-site audit. One juvenile inmate was interviewed and one refused to be interviewed. He stated he felt safe and does not have sight, sound or physical contact with adult inmates. He indicated he completed his education requirements. Program, education and recreation services and programs were available.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard

## Standard 115.15: Limits to cross-gender viewing and searches

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

#### 115.15 (a)

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

#### 115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)  
 Yes  No  NA
- Does the facility always refrain from restricting female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)  Yes  No  NA

#### 115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?  Yes  No
- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.)  Yes  No  NA

#### 115.15 (d)

- Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?  Yes  No

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

#### 115.15 (e)

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

#### 115.15 (f)

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

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 356.10 - Strip Search and Clothing Exchange
4. WSD/Jail Division Policy and Procedure 362.9 – Transgender Inmates; Housing and Management
5. PREA Training Curriculum
6. Observation while on-site
7. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff
  - c. Random Inmates

115.15(a) WSD policies address inmate searches. WSD/Jail Division Policy and Procedure 356.10, section 7 states, "Strip Search Process. a) SAME SEX. A correctional officer of the same sex as the inmate will conduct the search. If the inmate is transgender, refer to jail policy 362.9 (Transgender Inmates)." Cross-gender strip searches and cross-gender visual body cavity searches are prohibited except in exigent circumstances or when performed by a medical practitioner. Per the PAQ, in the past 12 months there were zero cross-gender strips or visual body cavity searches conducted. Inmates interviewed indicated they are only pat searched and strip searched by staff of the same gender. Staff interviews stated the facility does not allow cross-gender strip searches and cross-gender visual body cavity searches.

115.15(b) WSD policies address this provision. The facility always refrains from conducting cross-gender pat-down searches of female inmates. Per the PAQ, in the past 12 months there was no cross-gender pat down of female inmates conducted during this audit period. Interviews with random female inmates revealed that pat searches were always conducted by female staff and that their ability to attend programming or other out of cell activities was not limited in any way due to the lack of female staff. Per an interview with the PREA Coordinator confirmed that there are always female staff members on duty at the facility.

115.15(c) Per policies, cross-gender strip searches and cross-gender visual body cavity searches are prohibited except in exigent circumstances or when performed by a medical practitioner and. If completed the facilities shall document and justify all cross-gender strip searches and cross-gender visual body cavity searches of inmates. There was no cross-gender pat down of female inmates conducted during this audit period. Per interviews with random staff, they were all aware of these requirement. As indicated above there were no such searches completed.

115.15(d) Based on interviews with staff and inmates and observation it was determined inmates are able to shower, perform bodily functions, and change clothes without non-medical staff of the opposite gender observing their breasts, genitalia or buttocks, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite gender are required to announce their presence when entering housing units. Overall inmates indicated that opposite gender staff announces their presence when entering a housing area. This practice of opposite gender announcements was also observed by the auditor during the on-site tour. Inmates indicated that they not viewed by staff of the opposite gender when using the toilet, showering, or changing clothes. Random staff interviews indicated that opposite gender staff announcements are made prior to entering the housing units. There are no camera views of toilets or showers in the housing units. Cameras in holding and observation cells have the toilet area digitally blocked out. During review of the camera system it was noted that one court holding cell did not have the toilet blocked out. The PREA Coordinator immediately submitted a work order to have this issue corrected.

115.15(e) WSD/Jail Division Policy and Procedure 362.9 states, "Waukesha County Jail staff will not search or physically examine a transgender inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner." Interviews with random staff confirmed they were aware of this policy. There were no transgender inmates at the facility to interview during the on-site audit.

115.15(f) Review of training records and lesson plans demonstrated staff had been trained on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Interviews of staff demonstrated staff was trained and knowledgeable of the proper procedures to conduct pat down searches of transgender and intersex inmates. Per policy a Search Preference Form will be completed with the inmate. An officer of the preferred sex will be used to conduct the pat-

down or strip search. There were no transgender inmates at the facility to interview during the on-site audit.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

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

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

#### 115.16 (a)

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

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?  Yes  No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision?  Yes  No

#### 115.16 (b)

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

#### 115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?  Yes  No

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. PREA Posters
4. PREA Education material
5. Observation while on-site
6. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff
  - c. Random Inmates

115.16(a-b) WSD/Jail Division Policy and Procedure 361.12, section 4 states, "The inmate population will be notified of the zero tolerance policy of the institution towards inmate on inmate sexual

harassment and/or abuse and will also receive comprehensive education regarding their right to be free from sexual abuse and harassment, including inmates with limited English and/or with disabilities.”

The policy ensure inmates with disabilities and who are limited English proficient (LEP) have access to PREA information and programs. The Waukesha County Jail has taken appropriate steps to ensure that inmates who are limited English proficient or disabled 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. PREA information, brochures and posters are available in English and Spanish. A Kiosk system available to inmates in the housing pods has PREA information available in multiple languages. The county maintains a list of qualified translator and the facility has access to a phone service to provide foreign language translation. Informational and educational materials for inmates with physical and mental disabilities are provided in ways that will enable the inmates to understand the PREA zero tolerance policy, related material and how to report allegations of sexual abuse or sexual harassment. Inmates with a mental disability, are afforded extra time by staff to explain and ensure they understand the PREA basics, to include definitions and reporting information. The auditor interviewed inmates with physical and mental disabilities and all were aware the agency’s zero tolerance policy and how to report allegations of sexual abuse and harassment. There was only one LEP inmate at the facility during the on-site audit.

115.16(c) WSD/Jail Division Policy and Procedure 361.12, section 11(f) states, “Inmate interpreters, inmate sign readers or other types of inmate assistance will not be utilized except in limited circumstances where an extended delay in obtaining an effective interpreter would compromise the inmate’s safety, the performance of first-response duties or the investigation of the inmate’s allegations.”

Interviews with random staff confirmed they were aware of this policy. They stated almost all inmates could speak English and were aware of resource available if needed. Per the PAQ, in the past 12 months, no inmate interpreters were used regarding a PREA allegation.

Based on the review of policies, observation, PREA documents, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

## **Standard 115.17: Hiring and promotion decisions**

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

#### **115.17 (a)**

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

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

#### 115.17 (b)

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

#### 115.17 (c)

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

#### 115.17 (d)

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

#### 115.17 (e)

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

#### 115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?  Yes  No



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

#### 115.17 (g)

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

#### 115.17 (h)

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

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Personnel documents
4. Interviews with the following:
  - a. PREA Coordinator
  - b. Detective
  - c. County Human Resources Manager

115.17(a,b,c,e) WSD/Jail Division Policy and Procedure 361.12 was reviewed and addresses the requirements of these provisions. The policy and procedures ensure staff and contractors are not hired or promoted who have engaged in sexual abuse in a prison, jail, lockup, community confinement, juvenile, or other penal type institutions; or who have been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or been civilly or administratively adjudicated to have engaged in sexual activity facilitated by force, overt or implied threats of force, or coercion. The Waukesha County Personnel Department has oversight of the hiring procedures and delegates certain responsibilities and duties to the WSD.

WSD performs a very extensive criminal history and background check before it hires any new employees. WSD utilizes multiple systems to check criminal backgrounds that would include state and federal records checks. Employment check of all prior employers are conducted which could include a site visit to review their personnel files. A home visit with the applicant is required along with contacting

their neighbors. Applicants are required to pass medical, drug, psychological and polygraph testing. All employees are fingerprinted. The agency also requires staff to self-report misconduct. If an applicant answers on their application that worked in a confinement setting, information from prior institutional employers is obtained. Per the information provided on the PAQ, there were 37 staff hired who had criminal background checks completed in the past 12 months. Criminal background checks are again completed for all employees every five years.

115.17(d) WSD/Jail Division Policy and Procedure 361.12, section 2(d) states, "WSD will also perform a criminal background records check before enlisting the services of any contractor or volunteer who may have contact with inmates.

1.The Waukesha County Sheriff's Department (WSD) will perform a criminal records check for contractors and volunteers every 2 years." The auditor reviewed a random sample of contractor background checks.

115.17(f) All applicants and employees who may have contact with inmates are directly asked about previous sexual misconduct as described in PREA Standard 115.17 (a) in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The auditor reviewed the on-line application system.

115.17(g) WSD/Jail Division Policy and Procedure 361.12, section 2(e) states, "Material omissions regarding such misconduct, or the provision of materially false information, will be grounds for termination." The HR Manager interviewed indicated this is a standard practice.

115.17(h) Per interview with the HR Manager, WSD will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work with a signed release of information request.

Based on a review of policies, procedures, supporting documentation, personnel files, interviews with the Human Resource staff, Jail Administrator and Investigator and the extensive and thorough background checks confirms, the Waukesha County Jail exceeds the requirement of this standard.

## Standard 115.18: Upgrades to facilities and technologies

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

#### 115.18 (a)

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

#### 115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring

technology since August 20, 2012, or since the last PREA audit, whichever is later.)

Yes  No  NA

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Observation while on-site
4. Interviews with the following:
  - a. Jail Administrator
  - b. PREA Coordinator

115.18(a-b) Per interview with the Jail Administrator and PREA Coordinator, Waukesha County is currently expanding and modifying its court rooms including court holding cells. They always consider the effect any expansion or modification of physical plant or monitoring technology might have on the Jail's ability to protect Individuals. Cameras and video monitoring equipment were upgraded and/or added in the past 12 months to enhance the facility's ability to protect inmates from sexual abuse. The Waukesha County Jail currently has a RFP in progress to upgrade its entire camera system. The facility currently has over 300 cameras.

Based on the review of policy, observation, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## RESPONSIVE PLANNING

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

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

#### 115.21 (a)

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

#### 115.21 (b)

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

#### 115.21 (c)

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

#### 115.21 (d)

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

#### 115.21 (e)

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

#### 115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a)

through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)  Yes  No  NA

#### 115.21 (g)

- Auditor is not required to audit this provision.

#### 115.21 (h)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD Policy and Procedure 11.01 Collection and Preservation of Evidence/Property
4. WSD Policy and Procedure 11.02 Maintenance of Evidence/ Property
5. Waukesha County Guideline for Responding to Sexual Assault
6. Interviews with the following:
  - a. PREA Coordinator
  - b. WSD Detective/investigator

115.21(a-b) WSD/Jail Division Policy and Procedure 361.12, WSD Policies and Procedures 11.01 and 11.02 were reviewed and address the requirement of these provisions. The policies outlines evidence protocols for administrative proceedings and criminal prosecutions; requirements for forensic medical exams; and when requested by the victim, a victim advocate to accompany and support the victim through the forensic examination, investigatory interviews, emotional support, crisis intervention, information, and referrals. There is a uniform evidence protocol that maximizes the potential for usable physical evidence for administrative and criminal prosecutions. The evidence protocol was adapted and/or based on the U.S. Department of Justice's office on Violence Against Women Publication. Staff interviewed were knowledgeable of the evidence protocols and could explain the process for obtaining useable evidence when an inmate alleged sexual abuse. The auditor conducted interview with 2 WSD Detectives/investigators, who had a good understanding of the investigative procedures, responsibilities and evidence protocols.

115.21(c-e) Waukesha County Jail is included in the Waukesha County's Sexual Assault Response Team (SART). Waukesha County with the leadership of ProHealth Care, Waukesha Memorial Hospital, The Women's Center, Waukesha County Sherriff's Department, Waukesha County District Attorney's Office and The C.A.R.E. Center came together to develop Waukesha County's Sexual Assault Response Team (SART). The primary objectives of the SART are; to improve the provision of

services to survivors of sexual assault in Waukesha County by providing sensitive, efficient, interdisciplinary services, and to ensure accurate evidence collection to promote the apprehension and prosecution of perpetrators. Waukesha Memorial Hospital provides SANE services when necessary. They would provide a forensic exam if applicable and provide education and follow-up treatment to the inmate. Waukesha County Jail makes available to the victim a victim advocate from a rape crisis center. The Women's Center provides support, reassurance, crisis intervention, safety planning, and information to the survivor during the medical investigative and judicial process. Per the PAQ, in the past 12 months there were no forensic medical exams conducted. If required the forensic medical exam would be offered with no financial cost to the victim.

115.21(f) WSD is responsible for investigating all allegations of sexual abuse; therefore this provision is not applicable.

115.21(g) Waukesha County Jail would utilize the Women's Center which provides victim advocates. Waukesha County Jail does not utilize facility employees as victim advocates.

Based on the review of policies, documentation, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

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

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

#### 115.22 (a)

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

#### 115.22 (b)

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

#### 115.22 (c)

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

#### 115.22 (d)

- Auditor is not required to audit this provision.

## 115.22 (e)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Waukesha County Guideline for Responding to Sexual Assault
4. WSD Website
5. Interviews with the following:
  - a. PREA Coordinator
  - b. WSD Detective

115.22(a,b) WSD/Jail Division Policy and Procedure 361.12, the Waukesha County Guideline for Responding to Sexual Assault and the WSD website were reviewed and address the requirements of this standard. WSD/Jail Division Policy and Procedure 361.12, section 12 states, "An administrative or criminal investigation will be completed for all allegations of sexual harassment or abuse. The sexual abuse incident will be turned over to the Waukesha County Sheriff's Department and investigated by personnel who are trained in sexual abuse investigations in a correctional setting. Prosecution of offenders will be vigorously pursued by the Department as well as internal disciplinary action against the offender." The policy is posted on the Agency's website. All sexual abuse incidents are turned over to the Waukesha County Sheriff's Department and investigated by personnel who are trained in sexual abuse investigations in a correctional setting. There were 26 allegations of sexual abuse/harassment reported in the past 12 months and all were investigated and completed.

115.22(c) WSD is responsible for conducting criminal investigations; therefore this provision is not applicable.

Based on the review of policies, website, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

## TRAINING AND EDUCATION

### Standard 115.31: Employee training

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

#### 115.31 (a)



- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?  Yes  No
- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment  Yes  No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?  Yes  No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?  Yes  No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?  Yes  No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?  Yes  No

#### 115.31 (b)

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

#### 115.31 (c)

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

### 115.31 (d)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. PREA Training Curriculum
4. PREA Staff training acknowledgments
5. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff

115.31(a-d) WSD/Jail Division Policy and Procedure 361.12, section 6 states, "Waukesha County Jail correctional, support staff, contractors, and volunteers will be educated regarding the Department's zero tolerance for sexual misconduct. Sexual misconduct on the part of staff members includes sexual harassment, abuse, over-familiarity and retaliation. Training will be provided for the following staff groups:

- a) Recruit officers during initial training.
- b) Correctional line and supervisory staff during annual in-service."

The PREA training curriculum was reviewed and covers the following topics: zero-tolerance policy for sexual abuse and sexual harassment; how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; inmate's right to be free from sexual abuse and sexual harassment; the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment; the dynamics of sexual abuse and sexual harassment in confinement; the common reactions of sexual abuse and sexual harassment victims; how to detect and respond to signs of threatened and actual sexual abuse; how to avoid inappropriate relationships with inmates; how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and transgender and intersex searches. WSD staff receives initial PREA training as well as annual in-service PREA training through scheduled mandatory training. In addition, new officers are required to attend and complete a jail academy during their first year of employment. PREA training is also covered at the academy. The Waukesha County Jail houses male inmates and female inmates. The training provided to staff is tailored to meet this population. Employees sign an acknowledgement form that they have received and understood the PREA training they received. Staff interviewed were versed in the zero tolerance policy; their responsibilities in reporting sexual abuse, sexual harassment, and staff negligence; first responder duties; evidence preservation, and transgender and intersex searches. Per the PAQ, in the past 12 months 145 staff were trained or retrained on the PREA requirements.

Based on the review of policies, practice, training lesson plans, training records, annual refresher training, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

## Standard 115.32: Volunteer and contractor training

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

#### 115.32 (a)

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

#### 115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?  Yes  No

#### 115.32 (c)

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

### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. PREA training curriculum
4. Training acknowledgments
5. Security Orientation for Food Service Personnel
6. Interviews with the following:
  - a. PREA Coordinator
  - b. Contract staff

115.32(a-c) WSD/Jail Division Policy and Procedure 361.12, section 6 states, "Waukesha County Jail correctional, support staff, contractors, and volunteers will be educated regarding the Department's zero tolerance for sexual misconduct. Sexual misconduct on the part of staff members includes sexual harassment, abuse, over-familiarity and retaliation. Training will be provided for the following staff groups:

c) Contractors/Volunteers. Training will be provided to all contractors and volunteers members related to their particular job duties.”

The contract staff that have daily contact with inmates receive the same PREA training as staff. Other contact staff receive PREA training members related to their particular job duties. Due to COVID-19 entrance restrictions there are no volunteers at the facility. All volunteer access has expired and they will be required to complete PREA training before they are allowed to reenter. Interviews with contractors demonstrated their knowledge of the agency zero tolerance policy PREA and their roles and responsibilities. The auditor reviewed training curriculum, records and signed acknowledgments that indicate contractors received and understand the PREA training.

Based on the review of policies, training lesson plans, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.33: Inmate education

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

#### 115.33 (a)

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

#### 115.33 (b)

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

#### 115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)?  Yes  No
- Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate’s new facility differ from those of the previous facility?  Yes  No

#### 115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?  Yes  No

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

### 115.33 (e)

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

### 115.33 (f)

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

### Auditor Overall Compliance Determination

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

### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 351.1 Intake Process
4. Inmate Rules, Regulations and Information Packet (Inmate Handbook)
5. Sexual Abuse Pamphlet
6. Observation while on-site
7. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff
  - c. Random Inmates

115.33(a) WSD/Jail Division Policy and Procedure 361.12, section 4 states, "The inmate population will be notified of the zero tolerance policy of the institution towards inmate on inmate sexual harassment and/or abuse and will also receive comprehensive education regarding their right to be free from sexual abuse and harassment, including inmates with limited English and/or with disabilities. This information and education will be disseminated in a variety of ways to include:

a) Issuance of the inmate PREA education pamphlet and notification of information included in the Inmate Rules and Information Packet as outlined in jail policy 351.1 Intake Process and 354.2 Intake Process; Huber Facility.”

All inmates receive information at time of intake about the zero-tolerance policy and how to report incidents of sexual abuse or sexual harassment, their rights to be free from retaliation for reporting such incidents and are informed of the agency policy and procedures for responding to such incidents. Inmates receive the Inmate Sexual Abuse pamphlet and the Inmate Handbook. The Inmate Handbook is also available on kiosks located in the housing units. Per interview with intake staff, they explained the intake process and what verbal and written information inmates receive on their day of arrival. During interview, inmates reported receiving written PREA information on the first day of arrival to the facility. Per information reported on the PAQ, there were 8,399 inmates admitted to the facility in the past 12 months and 100% of the inmates were given PREA information at intake. The Auditor reviewed a random sample of inmate acknowledgment forms.

115.33(b-e) WSD/Jail Division Policy and Procedure 361.12, section 4(c) states, “Comprehensive Education. Within 30 days of intake, designated County Jail staff will provide comprehensive education to the inmates in person. Huber inmates will receive education during the initial booking process for both new incoming and transfers from the County Jail. Education will include:

1. Their right to be free from sexual abuse and sexual harassment.
2. Their right to be free from retaliation for reporting such incidents.
3. Waukesha County Jail policies and procedures for responding to such incidents.
4. A review of the PREA Education pamphlet.
5. Reading the PREA Education of Inmates Training Outline (d).
6. Staff will read the PREA Education for Inmates Acknowledgment form to the inmate. The inmate will sign the form confirming receipt of training and the staff (witness) providing the education will sign
7. The education acknowledgement form will be filed in the inmate’s hard copy incarceration file.
8. The officer completing the training will document the comprehensive education in the detention management system using the PREA event log under “comp education completed” section.”

Comprehensive PREA education is provided to all inmates within 30 day of arrival to the facility. Per policy, Huber Inmates receive comprehensive PREA education during intake. Jail Inmates receive comprehensive PREA education by the officer working in the medical department when they report for a medical screening. This process takes place within 14 days of arrival at the facility. During interview, inmates reported receiving PREA education. Per information reported on the PAQ, during the past 12 months there were 640 inmates whose length of stay at the facility was 30 days or more and 100% of those inmates received comprehensive PREA education. Per interviews with the Intake staff and the medical officer, they stated PREA education provided to inmates is in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills. The facility has PREA pamphlets, posters handbooks and form available in both English and Spanish. A contract with the Language Line Services provides translation of any other languages. PREA information is also available in formats for low functioning inmates.

115.33(f) WSD/Jail Division Policy and Procedure 361.12, section 4(b) Inmate Notification and Education states in part, “Informational postings throughout the facilities.”

The auditor observed PREA information posted throughout the facility in English and Spanish. Inmates also have access to PREA information in the Inmate Handbooks and on tablets and kiosks. The auditor reviewed and confirmed that PREA information is available on tablets and kiosks. During interviews, inmates acknowledged PREA information being provided upon arrival and at orientation, and has seen posters displayed throughout the facility. The inmates interviewed knew the zero-tolerance policy; how and who to report to; and that they have the right to be free from retaliation for reporting such incidents.

Based on the review of policies, inmate files, observation, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

## Standard 115.34: Specialized training: Investigations

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

### 115.34 (a)

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

### 115.34 (b)

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

### 115.34 (c)

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

### 115.34 (d)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)



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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD Policy and Procedure 11.01
4. PREA Specialized Investigation Training
5. Interviews with the following:
  - a. Detective/Investigator

WSD/Jail Division Policy and Procedure 361.12 was reviewed and address the requirements of this standard. WSD investigators receive specialized training in addition to the general education provided to all employees. All allegations of sexual abuse/harassment received at the Waukesha County jail are turned over to the Waukesha County Sheriff's Department and investigated by personnel who are trained in sexual abuse investigations in a correctional setting. WSD has 2 Sensitive Crimes Investigator and 19 Detectives that investigate allegations of sexual abuse.

Interviews with two investigators/detectives disclosed that they have attended numerous specialized trainings that covered all requirements of the standard to include: techniques for interviewing sexual abuse victims; proper use of Miranda and Garrity warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Documentation was reviewed that indicates all investigators have received both the general and specialized investigation training.

Based on the review of policies, training lesson plans, training records, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

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

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

### 115.35 (a)

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

have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  Yes  No  NA

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

#### 115.35 (b)

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

#### 115.35 (c)

- Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)  Yes  No  NA

#### 115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)  
 Yes  No  NA
- Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)  Yes  No  NA

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Wellpath HCD-100\_F-06 Response to Sexual Abuse --Waukesha WI
4. Interviews with the following:
  - a. HSA
  - b. Mental Health Staff

115.34(a & d) WSD/Jail Division Policy and Procedure 361.12 requires all Waukesha County Jail correctional, support staff, contractors, and volunteers to be educated on what they can do to prevent, detect and respond to inmate sexual harassment and/or abuse. The Waukesha County Jail contracts for medical/mental health services with Wellpath. Wellpath policy HCD-100\_F-06, section 6.1 states, "Upon hire, and annually thereafter, Wellpath employees receive training and instruction that relates to the prevention, detection, response, and investigation of staff-on-patient and patient-on-patient sexual abuse, as well as how to preserve physical evidence of sexual abuse. This training is an adjunct to the initial and ongoing training provided by the facility."

The auditor conducted interviews with medical and mental health practitioners during the site visit. These medical practitioners told the auditor that in addition to PREA training for all staff and Contractors provided by the Waukesha County Jail, they are required to take additional annual training provided through their employer. This training include; how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

115.34(b) The medical staff at this facility does not conduct forensic exams; inmates are transported to a local hospital that has a SANE program.

115.34(c) The training is documented. The auditor reviewed a random sample of training records for medical and mental health contract staff and confirmed they received both the facility PREA training and specialized PREA training from Wellpath.

Based on the review of policies, practice, training lesson plans, training records, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

## **SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS**

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

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

#### **115.41 (a)**

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

#### **115.41 (b)**

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

#### **115.41 (c)**

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

#### 115.41 (d)

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

#### 115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior acts of sexual abuse?  Yes  No

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

#### 115.41 (f)

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

#### 115.41 (g)

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

#### 115.41 (h)

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

#### 115.41 (i)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):  
1. Waukesha County Jail Pre-Audit Questionnaire

2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 351.1 Intake Release Process
4. WSD/Jail Division Policy and Procedure 351.12 PREA Screening Form Classification Determination
5. WSD/Jail Division Policy and Procedure 362.2 Classification Determination
6. Observation while on-site
7. Interviews with the following:
  - a. PREA Coordinator
  - b. Shift Supervisors
  - c. Intake staff
  - d. Classification staff
  - e. Random Inmates

115.41(a-e) WSD/Jail Division Policies and Procedures 351.1, 351.12, 361.12 and 362.2 were reviewed and address the requirements of this standard. All inmates are assessed for their risk of being sexually abused or sexually abusive towards others upon arrival at the facility. Intake risk assessments are conducted by the intake staff and shift supervisors on the day of arrival. The Waukesha County Jail uses a standardized screening tool for initial assessments. The PREA Risk Assessment form was reviewed and found to contain all requirements of provision “d” of this standard and allowed the screener to document his/her perception of gender non-conformity. The screening includes a thorough review of any available records available to assist with determining the offender’s risk assessment. The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse. Inmates who score at risk of victimization or abusiveness are referred for further evaluation with mental health. Inmates have an option of refusing these services. During interviews with random inmates, most recalled being asked PREA questions at intake.

115.41(f-g) Within 30 days of the inmates’ arrival to the facility, they are reassessed for their risk for victimization and abusiveness. The reassessment questionnaire is completed during a face to face interview with a classification staff. An offender’s risk level will also be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information. This information was confirmed in interview with the Classification Supervisor. The auditor reviewed a random sample of 18 inmate files that contained the initial and 30 day reassessment screening forms during the on-site audit. All screenings were done within timeline requirements. During inmate interviews, most inmates recalled being asked PREA questions at intake and again during the reassessment. .

115.41(h) During interviews with staff, they confirmed inmates are not to be disciplined for refusing to answer any questions or for not disclosing complete information.

115.41(i) The PREA screening process is computerized and only staff have access. Staff were aware this information is confidential and not to be shared or used for any non-program purpose.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## **Standard 115.42: Use of screening information**

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

### **115.42 (a)**

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

#### 115.42 (b)

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

#### 115.42 (c)

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

#### 115.42 (d)

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

#### 115.42 (e)

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

#### 115.42 (f)



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

#### 115.42 (g)

- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)  Yes  No  NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)  Yes  No  NA
- Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)  Yes  No  NA

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 351.1 PREA Screening Form
4. WSD/Jail Division Policy and Procedure 354.2
5. WSD/Jail Division Policy and Procedure 362.2 Classification Determination; County Jail
6. WSD/Jail Division Policy and Procedure 362.9 Transgender Inmates; Housing and Management
7. Observation while on-site
8. Interviews with the following:
  - a. Jail Administrator
  - b. PREA Coordinator
  - c. Classification Staff

115.42 (a-b) WSD/Jail Division Policies and procedures were reviewed and address the requirements of this Standard. Information obtained in the inmate screening process is used to make individualized determinations to ensure the inmates safety and in order to keep potential victims away from potential abusers. Staff interviewed reported information secured through the screening process is used to determine the need for additional medical or mental health follow-up, and to make classification decisions based on risk factors.

115.42(c-g) Per policy, Transgender or intersex inmate's housing placement is considered on a case-by-case basis, placement considers the inmate's health and safety, and whether the placement would present management or security problems. A transgender or intersex inmate's own view of their safety is taken into consideration. Per interview with the PREA Coordinator, he indicated placement and programming assignments for each transgender or intersex inmate would be reassessed at least twice each year to review any threats to safety experienced. When interviewed, the Jail Administrator stated the agency is not under a consent decree or other legal judgement regarding housing. The practice of placing LBGTI inmates in dedicated units or wings solely based on such identification is prohibited by policy. During the tour, there was no indication that restrictive housing units exist or are used on a regular basis due to PREA risk factors. Transgender and Intersex Individuals are given an opportunity to shower separately from other individuals and fill out a preference form upon intake. There were no transgender inmates housed at the jail during the on-site audit.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.43: Protective Custody

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

#### 115.43 (a)

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

#### 115.43 (b)

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

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

#### 115.43 (c)

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

#### 115.43 (d)

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

#### 115.43 (e)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 362.2 Classification Determination; County Jail
3. Interviews with the following:
  - a. PREA Coordinator
  - b. Jail Administrator

WSD/Jail Division Policy and Procedure 362.2 was reviewed and addresses the requirement of this standard. Per interviews with the Jail Administrator and PREA Coordinator, inmates at high risk for sexual victimization are not placed in the involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If an involuntary segregated housing placement is made the placement is reviewed by the classification committee on a weekly basis until other housing can be found. Segregated housing assignments will not exceed a period of thirty (30) days. Inmates placed in protective custody shall have access to program privileges, education, and work opportunities to the extent possible. If restrictions occur, the facility documents the restrictions, duration of the limitation, and reasons for the limitation. There were no inmates placed in involuntary segregation due to being at a high risk of sexual victimization in the past 12 months.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## REPORTING

### Standard 115.51: Inmate reporting

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

#### 115.51 (a)

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

#### 115.51 (b)

- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?  Yes  No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?  Yes  No
- Does that private entity or office allow the inmate to remain anonymous upon request?  
 Yes  No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility *never* houses inmates detained solely for civil immigration purposes)  
 Yes  No  NA

#### 115.51 (c)

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

#### 115.51 (d)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. PREA brochures and posters
4. Inmate Handbook
5. Observation while on-site
6. Agency website
7. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff
  - c. Random Inmates

115.51(a-b) WSD policy and procedure 361.12, PREA brochures and posters, the Inmate Handbook, and the WSD website were reviewed and address the requirements of this standard. The inmate Handbook, PREA brochures, and multiple posters displayed throughout the facility provide specific internal and external ways for inmates to report sexual abuse, sexual harassment and retaliation by other inmates or staff. The inmates can utilize the kiosk system located in the housing pods to report allegation and submit grievances. Interviews with inmates verified they were aware of multiple internal and external ways to report incidents of sexual abuse, sexual harassment and retaliation. Inmates can report verbally and in writing to staff; through a third party, submitting a grievance, calling the PREA hotline by dialing \*777 or to an outside agency by dialing \*888. When an inmate calls \*888, an e-mail will automatically be sent to the jail command staff notifying the on duty supervisor a PREA hotline call was placed at either the County Jail or Huber Facility. The phone call will also be transferred automatically to an outside agency. The outside agency will then contact the on duty supervisor to inform them of the call. The Waukesha County Jail has an agreement with the Dane County Jail to be their external reporting agency. During the tour, the PREA reporting phone numbers were checked and found to be in working order.

115. 51(c-d) Waukesha County Jail employees may report Sexual Abuse or Sexual Harassment to the duty supervisor or any upper management staff. Staff members accept reports made verbally, in writing, anonymously and from third parties, and are required to promptly document any verbal reports and notify the duty supervisor.

Based on the review of policies, documents, observation, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.52: Exhaustion of administrative remedies

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

#### 115.52 (a)

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

#### 115.52 (b)

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

#### 115.52 (c)

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

#### 115.52 (d)

- Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)  Yes  No  NA
- If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)  Yes  No  NA

- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)  Yes  No  NA

#### 115.52 (e)

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

#### 115.52 (f)

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

#### 115.52 (g)



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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 353.4 - Inmate Grievances
4. Inmate Handbook
5. Interviews with the following:
  - a. PREA Coordinator
  - b. Random Inmates

115.52(a) WSD/Jail Division policies and procedures 361.12 and 353.4 address all the provisions of this standard. There are policies and procedures in place for inmates to submit grievances regarding sexual abuse. Instructions on how to file grievances are provided to inmates in the Inmate handbook and policies. Random inmates interviewed were aware filing a grievance is a reporting option for them.

115.52(b-c) WSD/Jail Division Policy and Procedure 361.12, section 9 states;

“a) Attempts at informal resolution will not be required of an inmate reporting an alleged incident of sexual abuse.

b) There is no time limit regarding when an inmate may submit a grievance regarding an allegation of sexual abuse.

f) An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and the grievance will not be referred for action to a staff member who is the subject of the complaint.”

Per an interview with the PREA Coordinator, there is no time limit when an inmate can submit a grievance regarding sexual abuse. Inmates are not required to use any informal grievance process or attempt to resolve with staff an alleged incident of sexual abuse. Inmates have a right to submit grievances alleging sexual abuse to someone other than the staff member who is the subject of the complaint and the grievance will not be referred to the subject of the complaint. A designated shift captain or the deputy jail administrator is the initial reviewer of all grievances related to sexual abuse or sexual harassment for monitoring purposes and the PREA Coordinator would be notified. Per the PAQ, there were six PREA related grievances filed in the past 12 months.

115.52(d) WSD/Jail Division Policy and Procedure 353.4, section 6.e states, “Each grievance will be answered in writing within five (5) calendar days of receipt of the grievance.” Per the PAQ, In the past 12 months there were six grievances filed and all six grievances received a final decision within 90 days. There were zero number of grievances involving an extension because the final decision could not be reached within 90 days.

115.52(e) WSD/Jail Division Policy and Procedure 361.12, section 9.c states; “Third parties, including other inmates, staff members, family members, attorneys and outside advocates are permitted to assist inmates in filing grievances relating to allegations of sexual abuse and will also be permitted to file grievances/complaints on behalf of inmates.

1. If a third party files a grievance/complaint on behalf on an inmate, the alleged victim must agree to have the request filed on his or her behalf. If the inmate declines to have the request processed on his or her behalf, the grievance/complaint will be closed out with documentation of the inmate’s decision.”

Per the PAQ, in the past 12 months there were zero grievance filed in which inmates declined third-party assistance.

115.52(f,) WSD/Jail Division Policy and Procedure 353.4, section 6.b states, “The reviewer will give priority attention to grievances dealing with health or personal safety.” WSD/Jail Division Policy and Procedure 361.12, section 9 states, “d) If a grievance or complaint is submitted alleging an inmate is subject to a substantial risk of imminent sexual abuse, the initial response will be immediate as it relates to corrective action for the inmate’s safety.

e) The initial response and final decision will be documented to include the determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.”

Per the PAQ, in the past 12 months there were zero emergency grievances filed alleging an inmate is subject to a substantial risk of imminent sexual abuse. The agency policy and procedures addresses the response to these types of grievances.

115.15(g) WSD/Jail Division Policy and Procedure 361.12, section 9.g states, “The inmate may be disciplined for filing a grievance related to alleged sexual abuse only where the jail demonstrates that the inmate filed the grievance frivolously or in bad faith.”

Per the PAQ, In the past 12 months there were zero inmate grievance filed that resulted in disciplinary action for filing the grievance in bad faith.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.53: Inmate access to outside confidential support services

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

### 115.53 (a)

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?  Yes  No
- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility *never* has persons detained solely for civil immigration purposes.)  Yes  No  NA
- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?  Yes  No

### 115.53 (b)

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

### 115.53 (c)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Waukesha County Guideline for Responding to Sexual Assault
4. PREA Pamphlet
5. Interviews with the following:
  - a. PREA Coordinator
  - b. Random Inmates

115.53(a-c) WSD policy and procedure 361.12 and the Waukesha County Guideline for Responding to Sexual Assault were reviewed and address the requirements of this standard. The procedure states Inmates shall be provided access to outside victim advocates for emotional support services related to sexual abuse. The PREA Pamphlet informs inmates to contact mental health or medical staff and they will arrange support services.

The Women's Center is part of the Waukesha County's Sexual Assault Response Team (SART) which provides county wide services including the Waukesha County Jail. The Women's Center provides a 24-hour crisis line, support, reassurance, crisis intervention, safety planning, and accompaniment and information to the survivor during the medical investigative and judicial process. The facility also detains persons solely for civil immigration purposes and provides mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies. Interviews with inmates found most inmates were aware that confidential support services are available if needed.

Based on the review of policies, observation, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.54: Third-party reporting

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

#### 115.54 (a)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD website
4. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff
  - c. Random Inmates

115.54(a) WSD/Jail Division Policy and Procedure 361.12, section 8 states in part, "PREA Hotline-Inmates at both the County Jail and Huber Facility have the ability to use the inmate telephone system to report allegations of sexual abuse/harassment. The general public also has the ability to speak to a supervisor to report allegations of sexual abuse/harassment on behalf of an inmate. Instructions and information regarding the PREA hotline are posted in the County Jail and Huber Facility lobbies, along with being posted in all inmate housing units and zones.

b) General Public Call

1. Postings in both the County Jail and Huber Facility lobbies will provide members of the general public instructions for using the County Jail and Huber Facility automated phone menu system to reach a supervisor to report allegations of sexual abuse/harassment on behalf of an inmate."

The Posters on display at the facility provide the visitors, staff and inmates with third party reporting options. The Agency website also outlines methods to report sexual abuse and sexual harassment on behalf of an inmate. In addition, third parties, including other inmates, staff members, family members, attorneys and outside advocates are permitted to assist inmates in filing grievances relating to allegations of sexual abuse and will also be permitted to file grievances/complaints on behalf of inmates. Interviews with staff and inmates confirmed they knew how third-party reporting could be accomplished.

Based on the review of policies, observation, agency website, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

# OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

## Standard 115.61: Staff and agency reporting duties

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

### 115.61 (a)

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

### 115.61 (b)

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

### 115.61 (c)

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

### 115.61 (d)

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

### 115.61 (e)

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

## Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Wellpath Policy and Procedure HCD-100\_F-06 Response to Sexual Abuse --Waukesha WI
4. PREA Training Curriculum
5. Interviews with the following:
  - a. Jail Administrator
  - b. PREA Coordinator
  - c. Random staff
  - d. Medical and Mental health staff
  - e. Random Inmates

115.61(a) WSD/Jail Division Policy and Procedure 361.12, section 10 states, "Notification. The staff person who receives information regarding the potential of sexual harassment or abuse of an inmate, will immediately report the incident to an on duty supervisor and prepare and forward a report."

During random staff interviews, 100% of staff reported that the facility requires staff to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility. Staff also indicated a responsibility to report any retaliation against inmates or staff for reporting sexual abuse or sexual harassment and a duty to report any staff neglect that may have contributed to an incident of sexual abuse or sexual harassment. The PREA Training Curriculum was reviewed and includes reporting responsibilities for staff.

115.61(b) WSD/Jail Division Policy and Procedure 361.12, section 10 (a) states, "Reporting staff will not reveal any information related to a sexual harassment or abuse report to anyone other than to the extent necessary as outlined in jail or department policy to make treatment, investigation and other security and management decisions."

During random staff interviews 100% of staff stated keeping PREA allegations confidential was required. The PREA Training Curriculum also addresses confidentiality of PREA allegations.

115.61(c) Wellpath Policy HCD-100\_F-06 states, "6.3. Employees, regardless of title, have a duty to report any sexual contact, sexual abuse, sexual threat, staff voyeurism, or information regarding inappropriate relationships between an employee and a patient. Such duty to report will include any allegations, knowledge, or reasonable belief regarding such conduct.

6.3.1. At the initiation of services with medical or mental health providers, all patients are informed of this duty to report."

Interviews with medical and mental health verified staff were aware of reporting requirements.

115.61(d) Per interviews with the Jail Administrator and PREA Coordinator, If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, they would report the allegation to the designated State or local agency under applicable mandatory



reporting laws. They also indicated there were no PREA incidents involving vulnerable persons or youthful offenders during the audit period.

115.61(e) WSD/Jail Division Policy and Procedure 361.12, section 10 (b) states, " b) All allegations of sexual abuse, including third-party and anonymous reports, will be reported to the detective bureau."

During interviews with the Jail Administrator and PREA Coordinator, they said that all allegations of sexual abuse and sexual harassment are forwarded for investigation. Interviews with inmates and staff did not reveal any incident of sexual abuse or harassment not reported or investigated.

Based on the review of policies, documents, interviews and analysis, the facility has demonstrated compliance with all the provisions of this Standard.

## Standard 115.62: Agency protection duties

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

#### 115.62 (a)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Interviews with the following:
  - a. Jail Administrator
  - b. Random staff

115.62(a) WSD/Jail Division Policy and Procedure 361.12, section 11 states, "The first security staff member (correctional officer or supervisor) learning of an allegation that an inmate was sexually abused will immediately ensure:

a)The inmate/victim is moved to a safe, not isolated, place."

Section 9(d) states, "If a grievance or complaint is submitted alleging an inmate is subject to a substantial risk of imminent sexual abuse, the initial response will be immediate as it relates to corrective action for the inmate's safety."

Interviews with staff demonstrate they know the steps to take to protect an inmate subject to risk of imminent sexual abuse. When an allegation is received that an inmate is subject to a substantial risk of imminent sexual abuse, the initial response will be immediate as it relates to corrective action for the inmate's safety. Per interview with the Jail Administrator and staff, immediate corrective action includes



separation; monitoring; changing the housing and/or work assignments; and placing the abuser in another housing area or requesting a transfer. Per the PAQ, no inmates were determined to be at substantial risk of imminent sexual abuse, during the past 12 months.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with this Standard.

## Standard 115.63: Reporting to other confinement facilities

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

#### 115.63 (a)

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

#### 115.63 (b)

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

#### 115.63 (c)

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

#### 115.63 (d)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Observation while on-site
4. Interviews with the following:
  - a. Jail Administrator

115.63(a-d) WSD/Jail Division Policy and Procedure 361.12, section 10(c) states, "Upon receiving an allegation an inmate was sexually abused while confined to another facility, the jail administrator or designee will notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. This notification will be provided as soon as possible but no more than 72 hours after receiving the report and this notification will be documented as an addendum to the initial report."

An interview with the Jail Administrator confirmed her knowledge of the procedure and responsibility to report any allegations that an inmate was sexually abused while confined at another institution within 72 hours. The policies also require that all sexual abuse allegations reported by another institution regarding any inmate that was confined at the Waukesha County Jail to be fully investigated. Per the PAQ, in the past 12 months the Waukesha County Jail did not receive any allegations that an inmate was sexually assaulted while confined at another facility. There were no allegation received from other facilities that an inmate was sexual abuse while housed at the Waukesha County Jail.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.64: Staff first responder duties

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

#### 115.64 (a)

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

#### 115.64 (b)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. PREA Training Curriculum
4. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff

115.64(a-d) WSD/Jail Division Policy and Procedure 361.12, section 11 states, "The first security staff member (correctional officer or supervisor) learning of an allegation that an inmate was sexually abused will immediately ensure:

- a) The inmate/victim is moved to a safe, not isolated, place.
- b) The alleged perpetrator is placed in administrative segregation pending investigation.
- c) If known, the alleged crime scene will be secured.
- d) Any identified or suspected victim or perpetrator of a sexual abuse will not be allowed to shower, drink anything, change clothes, smoke, urinate, defecate, eat, clean themselves or brush their teeth. Any item that may have touched the perpetrator (e.g. tissue or towel) or anything else left behind will be secured.

If the first individual made aware of the allegation is not a security staff member (i.e. food service, medical/mental health staff, volunteer), they are required to request the alleged victim not take any actions that could destroy physical evidence, and then immediately notify security staff."

The policy and training directs staff how to respond to an allegation of sexual abuse for both security and non-security staff. Random interviews with security and non-security staff confirmed they were very knowledgeable about what to do upon learning an inmate was sexually abused, to include separating the alleged victim and abuser and to preserve and protect the crime scene and evidence. If the abuse occurred within a time period that still allows for the collection of physical evidence, staff would request that the alleged victim and alleged abuser not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing their teeth, changing clothes, urinating, defecating, smoking, drinking or eating. Per the PAQ, the Waukesha County Jail had one instance in which the first security staff member to respond separated the alleged victim from the abuser. There were no instances where a staff member was notified within a time period to collect evidence. There were no instances where a non-security staff member was the first responder.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all the provisions of this Standard.

## Standard 115.65: Coordinated response

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

### 115.65 (a)

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

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard** (*Requires Corrective Action*)

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Waukesha County Guideline for Responding to Sexual Assault
4. WSD/Jail Division Coordinated Response to a Sexual Assault Incident
5. Interviews with the following:
  - a. PREA Coordinator
  - b. Staff

115.65(a) The Waukesha County Jail has a written plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership. WSD/Jail Division Coordinated Response to a Sexual Assault Incident and the Waukesha County Guideline for Responding to Sexual Assault are comprehensive in describing required actions by security and specialized staff.

Interviews with the Jail Administrator and specialized and random staff members confirmed they were knowledgeable about the Response plan and their specific roles and responsibilities as they relate to responding to sexual abuse Incident, the coordinated duties and collaborative responsibilities.

Based on a review of the policy, Coordinated Response Plan, documents, interviews and analysis, the facility has demonstrated compliance with this Standard.

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

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

### **115.66 (a)**

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

### **115.66 (b)**

- Auditor is not required to audit this provision.

## **Auditor Overall Compliance Determination**

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Investigative files
4. Interviews with the following:
  - a. Agency Head
  - b. Jail Administrator

Per the PAQ and interviews, WSD/Jail Division does not enter into any collective bargaining agreement or other agreement. The Waukesha County Jail has the ability to protect inmates from contact with abusers. WSD policies and procedures provide for the removal of alleged staff sexual abusers from contact with any inmate or other appropriate discipline. Review of investigations demonstrates that the Waukesha County Jail will separate the victim from the accused staff member in both sexual abuse and harassment usually by placing the staff member in a position where there would be no contact with the inmate.

Based on a review of policies, documents, and interviews, the facility has demonstrated compliance with this standard.

## Standard 115.67: Agency protection against retaliation

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

### 115.67 (a)

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

### 115.67 (b)

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

### 115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct

and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?  Yes  No

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

#### 115.67 (d)

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

#### 115.67 (e)

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

#### 115.67 (f)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Retaliation Monitoring Data Sheet
4. Interviews with the following:
  - a. PREA Coordinator
  - b. Retaliation Monitors

115.67(a) WSD/Jail Division Policy and Procedure 361.12, section 16 and 17 addresses this provision and requires the facility to implement procedures to protect inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by inmates or staff. The policy also states the Jail Administration shall be responsible for monitoring retaliation of staff and the classification unit shall be responsible for monitoring retaliation of inmates.

115.67(b-e) WSD/Jail Division Policy and Procedure 361.12 states, "16)Retaliation. Staff and inmates have a right to be free from retaliation for reporting sexual harassment or abuse. All staff will immediately report any knowledge, suspicion or information regarding retaliation against staff or inmates who reported an incident, and will immediately report any staff neglect or violation of responsibilities that may have contributed to an incident of retaliation by another. Inmates and staff who report sexual harassment or abuse will be protected from retaliation by protective measures to include:

- a) Housing changes or transfers for inmate victims and/or abusers.
- b) Removal of alleged staff or inmate abusers from contact with victims.
- c) Emotional support services for inmate or staff who fear retaliations for reporting sexual harassment or abuse, or for cooperating with investigators.

17 Monitoring Retaliation. For at least 90 days following a report of sexual harassment or abuse, the jail administration (staff) and classification unit (inmates) will monitor the conduct and treatment of staff or inmates who reported the incident, and of inmates who were reported to have suffered sexual harassment or abuse, to see if there are changes that may suggest possible retaliation by inmates or staff, and will report and act promptly to remedy any such retaliation. Monitoring will include periodic status checks. The applicable form will be completed documenting the periodic status checks. Other items monitored will include:

- a) Inmate disciplinary reports.
- b) Inmate housing changes.
- c) Inmate program changes.
- d) Inmate event logs.
- e) Staff performance.

If any other individual who cooperates with the investigation expresses a fear of retaliation, the jail administration will take appropriate measures to protect that individual against retaliation."

During interviews with staff responsible for monitoring retaliation, they indicated they are familiar with and follow the policy. They make initial contact with the victim and then every 30, 60 and 90 days and the contacts are documented, except in instances where the allegation is unfounded. Monitoring can extend past 90 days if needed. Per the PAQ and interview with the PREA Coordinator, there were no incidents of retaliation in the past 12 months.



Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

## Standard 115.68: Post-allegation protective custody

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

#### 115.68 (a)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Observation while on-site
4. Interviews with the following:
  - a. PREA Coordinator
  - b. Jail Administrator

115.68(a) WSD/Jail Division Policy and Procedure 351.12 was reviewed and addresses the requirement of this standard. Inmates determined to be at high risk for sexual victimization will not be placed in involuntary administrative segregation unless an assessment of all available alternatives has been made and there is no available alternative means of separation from likely abusers.” Per policy; Housing will be determined to ensure the inmate’s safety as well as address any resulting mental health concerns. Community professional agencies may be utilized as necessary. The use of segregated housing to protect inmates who allege to have suffered sexual abuse is subject to those requirements outlined in 115.43. Per interview with the Jail Administrator and PREA Coordinator, the jail has many options available to keep victims separated from abusers.

Per the PAQ, in the past 12 months no inmates who alleged sexual abuse were held in involuntary segregation. The auditor toured and confirmed no inmates were housed in the Segregation Unit for protection from sexual abuse during the on-site audit.

Based on the review of policies, documents, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

# INVESTIGATIONS

## Standard 115.71: Criminal and administrative agency investigations

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

### 115.71 (a)

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

### 115.71 (b)

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

### 115.71 (c)

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

### 115.71 (d)

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

### 115.71 (e)

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

### 115.71 (f)

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

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

#### 115.71 (g)

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

#### 115.71 (h)

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

#### 115.71 (i)

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

#### 115.71 (j)

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

#### 115.71 (k)

- Auditor is not required to audit this provision.

#### 115.71 (l)

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

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. PREA tracking system

- 4. Investigative files
- 5. Interviews with the following:
  - a. PREA Coordinator
  - b. Detective/Investigator

115.71(a-b) WSD/Jail Division Policy and Procedure 361.12, section 12 states, “An administrative or criminal investigation will be completed for all allegations of sexual harassment or abuse. The sexual abuse incident will be turned over to the Waukesha County Sheriff’s Department and investigated by personnel who are trained in sexual abuse investigations in a correctional setting. Prosecution of offenders will be vigorously pursued by the Department as well as internal disciplinary action against the offender.”

A review of investigative files reflected investigations were conducted promptly, thoroughly and objectively. Staff interviewed reported investigations of all allegations including third-party and anonymous reports are initiated immediately. There were 26 allegation of sexual abuse and three allegations of sexual harassment reported by inmates in the past 12 month s. A breakdown of those allegations is as follows:

Number of Allegations	Type	Finding
2	Inmate-on-Inmate Sexual Abuse	1- Substantiated 1- Unfounded
9	Inmate-on-Inmate Sexual Harassment	1- Substantiated 7- Unsubstantiated 1- Unfounded
5	Staff-on-Inmate Sexual Abuse	2- Substantiated 3- Unfounded
10	Staff-on-Inmate Sexual Harassment	2- Substantiated 5- Unsubstantiated 3- Unfounded

A review of the investigative staff training documents, including the investigator assigned to the 2020 and 2021 cases, indicated all investigative staff are trained in the required specialized investigative staff training. Investigators interviewed reported receiving the required training.

115.71(c-e) During interview, the Investigator detailed the investigative process to the auditor. The typical case involves gathering and preserving direct and circumstantial evidence, including available physical and DNA evidence, available electronic monitoring data, conducting interviews with alleged victims, suspected perpetrators, and witnesses, and also includes reviewing any prior complaints and reports of sexual abuse involving the suspected perpetrator. There were no investigations in the past 12 months that required compelled interviews. The Investigator indicated that the credibility of an alleged victim, suspect, or witness is assessed on an individual basis and not determined by the person’s status as an inmate or staff member. He also indicated that polygraph examination or other truth telling devices of the inmate who alleges sexual abuse is not allowed. The departure of the alleged abuser or victim from the employment or control of The Waukesha County Jail does not provide a basis for terminating any investigation.

115.71(f-j) When conducting administrative investigations, the investigators always decide whether staff actions or failures to act contributed to the abuse. During the interview with the Investigator, he confirmed that if allegations appear to be criminal they would be referred for prosecution. There were two substantiated staff on inmate sexual abuse allegation in the past 12 months. The abusers in both allegations were referred for prosecution. WSD retains all written investigation reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

115.71(l) All investigations are completed internally, therefore this provision is not applicable.

Based on the review of policies, investigative files, documents, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

## Standard 115.72: Evidentiary standard for administrative investigations

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

### 115.72 (a)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Investigative files
4. Interviews with the following:
  - a. PREA Coordinator
  - b. WSD Investigator

Per the interviews with the Investigator and PREA Coordinator found that the Waukesha County Jail does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Based on the review of policies, documents, interviews and analysis, the facility has demonstrated compliance with this standard.

## Standard 115.73: Reporting to inmates

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

### 115.73 (a)

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

### 115.73 (b)

- If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)  Yes  No  NA

#### 115.73 (c)

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

#### 115.73 (d)

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

#### 115.73 (e)

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

#### 115.73 (f)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Investigative files
4. Interviews with the following:
  - a. PREA Coordinator

115.73(a) WSD/Jail Division Policy and Procedure 361.12, section 15 states, "Following an investigation into an inmate's allegation that he or she suffered sexual abuse, the inmate will be informed whether the allegation has been determined to be substantiated, unsubstantiated or unfounded."

The PREA Coordinator, when interviewed reported inmates would be notified in writing if still in custody. A review of investigative file confirmed inmates were notified of the outcome of the allegations.

115.73(b) WSD/Jail Division Policy and Procedure 361.12, section 15 states, "If the Waukesha County Sheriff's Department did not conduct the investigation, the jail administrator or designee will request the relevant information from the investigating agency in order to inform the inmate. The applicable form will also be completed documenting the notification."

All sexual abuse allegations are turned over to the Waukesha County Sheriff's Department and investigated by personnel who are trained in sexual abuse investigations in a correctional setting. There were no investigations completed by an outside agency during the review period.

115.73(c) WSD/Jail Division Policy and Procedure 361.12, section 15 (a) states, "Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the inmate will be informed (unless the agency has determined that the allegation is unfounded) when:

1. The staff member is no longer posted within the inmate's housing pod.
2. The staff member is no longer employed by the Department.
3. The Department learns the staff member has been indicted on a charge related to sexual abuse within the facility.
4. The Department learns the staff member has been convicted on a charge related to sexual abuse within the facility."

All completed reports reviewed, shows proper documentation. For allegations directed towards staff, the inmate would be advised as to staff relocation, no longer employed, whether staff member has been indicted or convicted.

115.73(d) WSD/Jail Division Policy and Procedure 361.12, section 15(b) states, " Following an inmate's allegation that he or she has been sexually abused by another inmate, the victim inmate will be informed when:

1. The Department learns the alleged abuser has been indicted on a charge related to sexual abuse within the facility.
2. The Department learns the alleged abuser has been convicted on a charge related to sexual abuse within the facility.



During the past 12 months, there was one substantiated inmate-on-inmate sexual abuse allegation. Based on the specifics in this case, the inmate was not referred for prosecution

115.73(e) WSD/Jail Division Policy and Procedure 361.12, section 15 states, “(c) All notifications or attempted notifications will be documented.

d) The Department’s obligation to report to the inmate will terminate if the inmate is released from custody or transferred from the Waukesha County Jail.”

A review of the investigative files reflected that inmate notifications are made and documented unless the victim has been released from custody.

Based on the review of policies, documents, interviews, notification forms and analysis, the facility has demonstrated compliance with all provisions of this standard.

## DISCIPLINE

### Standard 115.76: Disciplinary sanctions for staff

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

#### 115.76 (a)

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

#### 115.76 (b)

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

#### 115.76 (c)

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

#### 115.76 (d)

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

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Investigative files
4. Interviews with the following:
  - a. PREA Coordinator
  - b. Jail Administrator

115.76(a-d) WSD/Jail Division Policy and Procedure 361.12, section 18 states, “Disciplinary Action for Staff.

a) Staff is subject to disciplinary sanctions up to and including termination for violating sexual harassment or abuse policies. Termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse.

b) Disciplinary sanctions for violations of policies relating to sexual harassment or abuse will be commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

c) All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies upon request and when the Department is in receipt of a properly executed Release of Information.

d) The seriousness of the conduct will be taken into account when determining the appropriate commensurate response by the Department. Serious misconduct along these lines, even if committed once, will still be addressed by the Department.”

Per interviews with the Jail Administrator and PREA Coordinator, employees are disciplined based on the outcome of sexual misconduct investigation. Termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse. The facility would use progressive discipline for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Staff are made aware of the zero-tolerance policy and the penalties for violating the policy in PREA training and as stated in policy. Per the PAQ, in the past 12 months, three staff members were terminated or resigned prior to termination and all were reported to law enforcement.

Based on the review of policies, files, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

## Standard 115.77: Corrective action for contractors and volunteers

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

### 115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?  Yes  No

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

### 115.77 (b)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Investigative files
4. Interviews with the following:
  - a. PREA Coordinator
  - b. Jail Administrator

115.77(a-b) WSD/Jail Division Policy and Procedure 361.12, section 19 states, “Corrective Action for Contractors and Volunteers.

a) Any contractor or volunteer who engages in sexual abuse will be reported to law enforcement agencies and to relevant licensing bodies, upon request and when the Department is in receipt of a properly executed Release of Information.

b) The contractor or volunteer will be denied any further access to the institution and to the inmates. Facilities management (contractor) or program coordinator (volunteer) will be notified.”

Policy prohibit contractors or volunteers who engaged in sexual abuse to have contact with inmates and require that they are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The Jail Administrator stated during interview that if an allegation of sexual misconduct by a volunteer or contractor is reported, the person would not be allowed back on the facility until the completion of the investigation and only if the allegation is found to be unsubstantiated or unfounded. The Waukesha County jail does not currently have any active volunteers who have contact with inmates. In the past 12 months there have been no allegations regarding sexual abuse or sexual harassment by contractors or volunteers. Per the PAQ, in the past 12 months there have been zero (0) number of contractors or volunteers who have been reported to law enforcement for engaging in sexual abuse of inmates. Interviews with contractors confirmed they were aware the disciplinary action for engaging in sexual abuse or sexual harassment of inmates.

Based on the review of policies, files, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

## Standard 115.78: Disciplinary sanctions for inmates

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

### 115.78 (a)

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

### 115.78 (b)

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

### 115.78 (c)

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

### 115.78 (d)

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

### 115.78 (e)

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

### 115.78 (f)

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

### 115.78 (g)

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

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard** (*Requires Corrective Action*)

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 360.3
4. Investigative files
5. Interviews with the following:
  - a. PREA Coordinator
  - b. Jail Administrator

115.78(a-b) WSD/Jail Division Policy and Procedure 361.12, section 20 states, "Disciplinary Sanctions for Inmates.

a) Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

b) Sanctions will be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history and the sanctions imposed for comparable offenses by other inmates with similar histories (reference jail policy 360.3)

c) The disciplinary process will consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

d) Inmates will be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to the contact.

e) For the purpose of disciplinary action, a report of sexual abuse based on reasonable belief in the alleged conduct will not be considered falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

f) All sexual activity between inmates in the Waukesha County Jail is prohibited and inmates will be disciplined for such activity. WSD will not, however, deem such activity to constitute sexual abuse if it is determined the activity is not coerced."

The policies address the requirements of this standard. In the past 12 months, there has been 1 (one) substantiated inmate-on-inmate sexual abuse incident. The abuser was disciplined per policy.

Based on the review of policies, files, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

## MEDICAL AND MENTAL CARE

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

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

#### 115.81 (a)

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

#### 115.81 (b)

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

#### 115.81 (c)

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

#### 115.81 (d)

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

#### 115.81 (e)

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

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. WSD/Jail Division Policy and Procedure 351.12
4. Wellpath Policy and Procedure HCD-100\_F-06
5. Interviews with the following:
  - a. PREA Coordinator

- b. Shift Supervisor
- c. HSA
- d. Mental Health staff
- e. Inmates that reported Sexual Abuse

115.81 (a-b) Waukesha County Jail is not a prison, therefore these two provisions are not applicable.

115.81(c) WSD/Jail Division Policy and Procedure 351.12, section F states, "Medical/Mental Health Staff Response- If the inmate indicates they have experienced prior sexual victimization (reference section (B)(14) above), whether it occurred in an institutional setting or in the community, a follow-up meeting with a medical or mental health staff person will be offered within 14 days of the intake PREA screening if the inmate is housed at the County Jail." The policy states the supervisor will review all new incoming PREA Screening Forms and will print those if the screening form designates the inmate as a known/potential victim or known/potential predator. The printed screening form will be placed in the MH/AODA mail tray at the intake center duty post for mental health staff review. An interview with a Lieutenant that reviews PREA screening forms confirmed referrals are made to mental health staff. The auditor interviewed mental health staff and confirmed a mental health screening evaluation is completed and documented. A review of the mental health screening reports indicates inmates are seen within 14 days of a referral. The auditor interviewed three inmates who disclosed prior victimization upon arrival and they indicated they were referred to medical and/or mental health.

115.81(d) WSD/Jail Division Policy and Procedure 351.12, section G states, "Any information related to sexual victimization or abuse that occurred in an institutional setting will be limited to medical and mental health staff and other staff only as necessary to address treatment plans and security and management decisions, including housing, classification, work, education, and program assignments, or as otherwise required by Federal, State, or local law." Wellpath Policy and Procedure HCD-100\_F-06 contains similar language. Per an interview with the PREA Coordinator, he confirmed information related to sexual victimization or abuse is limited to staff on a need to know basis.

115.81(e) Wellpath Policy and Procedure HCD-100\_F-06, section 6.6 states, "Consent of the patient, 18 years of age or older, is required before reporting an incident of sexual abuse that occurred prior to incarceration, except when the incident occurred in another correctional institution or in the event that the patient is under 18 years of age, as permitted by law." Per interviews with medical and mental health staff, informed consent is obtained from inmates before reporting prior sexual victimization that did not occur in not in an institutional setting.

Based on a review of policies, documentation, interviews and analysis, the facility demonstrated compliance with all provisions of this Standard.

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

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

### **115.82 (a)**

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

### **115.82 (b)**



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

#### 115.82 (c)

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

#### 115.82 (d)

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

#### Auditor Overall Compliance Determination

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

#### Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Wellpath Policy and Procedure HCD-100\_F-06
4. Waukesha County Guideline for Responding to Sexual Assault
4. Interviews with the following:
  - a. HSA

115.81(a-d) WSD/Jail Division Policy and Procedure 361.12, Wellpath Policy and Procedure HCD-100\_F-06 and the Waukesha County Guideline for Responding to Sexual Assault were reviewed and address the requirements of this standard. Policies indicate inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment; and inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Inmates are transported to a local hospital for forensic exams. Waukesha County Jail's medical department is staffed 24/7 and mental health staff are on-call after normal business hours. Forensic exams are provided off-site at a local hospital. Per interview with the HSA, he stated inmate victims are immediately escorted to the medical department for emergency medical treatment and crisis intervention services. Services are provided at no cost to inmates regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Based on the review of policies, documentation, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

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

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

#### 115.83 (a)

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

#### 115.83 (b)

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

#### 115.83 (c)

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

#### 115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.*)  Yes  No  NA

#### 115.83 (e)

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

#### 115.83 (f)

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

#### 115.83 (g)

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

### 115.83 (h)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Wellpath Policy and Procedure HCD-100\_F-06
4. Waukesha County Guideline for Responding to Sexual Assault
5. Interviews with the following:
  - a. PREA Coordinator
  - b. Medical and Mental Health Staff

115.83(a-g) Wellpath Policy and Procedure HCD-100\_F-06 states, "Ongoing Medical and Mental Health care for Sexual Abuse Victims and Abusers

#### 6.19. Sexual Abuse Victims

6.19.1. Continued evaluation and treatment of medical and mental health needs related to sexual abuse will be provided in accordance with the patient's desire for treatment and the community standard of care. Services may be provided through sick call, chronic care clinics, and regular annual health examinations.

6.19.2. After any emergency treatment is provided, health care staff will notify mental health staff of the event. An immediate telephone referral, including after hours, is the preferred referral format in case of an abuse.

- If after-hours mental health issues are handled by health care staff at the facility, the evaluating health care staff member will assess need for immediate crisis-based interventions. The on-call psychiatrist may be contacted for consultation if such is deemed necessary.

6.19.3. If needed, a treatment plan will be developed regarding any additional medical follow-up required.

6.19.4. Mental health staff will assess need for crisis intervention, and provide those services as necessary.

- Mental health staff will offer ongoing follow-up services. If the patient refuses such services, the patient will be informed that a mental health staff member will follow up in 14 days to determine if the patient is functioning adequately and offer any follow-up services. All encounters will be documented in the patient's health record, including any refusals of follow-up services.

6.19.5. When necessary and appropriate, post-release information and instructions will be provided for continuity of care. All discharge planning actions/instructions will be documented. One copy will be given to the patient and the other copy will be filed in the patient's health record."

Per interviews with Medical and Mental Health staff, Waukesha County Jail offers medical and mental health evaluations and, as appropriate, follow-up services and treatment to all inmates who have been victimized by sexual abuse. Inmates will be offered all lawful pregnancy-related medical services; prophylactic treatment and follow-up for sexually transmitted or other communicable diseases; counseling and testing; and will be referred to the mental health staff or community providers for crisis intervention as necessary. Medical and Mental Health staff when asked, considered the level of care comparable to (or better than) the community level of care. Victims are provided services without cost whether the victim names the abuser or cooperates with any investigation.

115.83(h) Waukesha County jail is not a prison, therefore this provision is not applicable.

Based on the review of policies, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

## DATA COLLECTION AND REVIEW

### Standard 115.86: Sexual abuse incident reviews

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

##### 115.86 (a)

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

##### 115.86 (b)

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

##### 115.86 (c)

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

##### 115.86 (d)

- Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?  Yes  No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?  Yes  No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?  Yes  No

- Does the review team: Assess the adequacy of staffing levels in that area during different shifts?  Yes  No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?  Yes  No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?  Yes  No

### 115.86 (e)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Incident Review Reports
4. Interviews with the following:
  - a. PREA Coordinator

115.86 (a-c) WSD/Jail Division Policy and Procedure 361.12, section 24 states, “Sexual Abuse Incident Reviews.

- a) At the direction of the jail administrator, a sexual abuse incident review will be conducted by a review team at the conclusion of every sexual abuse investigation, including when the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- b) The review will occur within 30 days of the conclusion of the investigation unless exigent circumstances exist.
- c) The review team will include the jail administrator or designee, the PREA coordinator, with input from captains, lieutenants, investigators and medical or mental health staff.

During the interview with the PREA Coordinator, he stated a Sexual Abuse Incident Review is completed following the conclusion of a substantiated or unsubstantiated allegation of sexual abuse. The auditor reviewed completed Sexual Abuse Incident Review during the past three years. The reviews were thorough, followed the requirements of policy and this standard and were completed within 30 days of the completion of the investigation.

115.86(d-e) WSD/Jail Division Policy and Procedure 361.12, section 24.dstates, “The review team will:

1. Consider whether the allegation or investigation indicated a need to change policy and procedure to better prevent, detect, or respond to sexual abuse.

2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
3. Examine the area in a facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
4. Assess the adequacy of staffing levels in that area during different shifts.
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
6. Prepare a report of findings using the applicable form and any recommendations for improvement, and submit the report to the jail administrator and Department PREA coordinator.
7. Recommendations for improvement will be implemented, or reasons for not doing so will be documented.”

The Waukesha County jail utilizes a Sexual Abuse Incident Review form that addresses all elements of the standard. The form addresses whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the institution; whether physical barriers in the area may enable abuse; the adequacy of staffing levels in that area during different shifts; and whether monitoring technology should be deployed or augmented to supplement supervision by staff. The Sexual Abuse Incident Review form has a section for recommendations. Policy requires that the Facility shall implement the recommendations for improvement or document its reasons for not doing so.

Based on the review of policies, Sexual Abuse Incident Reviews, interviews and analysis, the facility demonstrated compliance with all provisions of this standard.

## Standard 115.87: Data collection

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

#### 115.87 (a)

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

#### 115.87 (b)

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

#### 115.87 (c)

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

#### 115.87 (d)

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

#### 115.87 (e)

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

#### 115.87 (f)

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

#### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. Survey of Sexual Violence
4. 2020 Annual PREA Report
5. Interviews with the following:
  - a. PREA Coordinator

115.87(a-d) WSD/Jail Division Policy and Procedure 361.12, section 21 states, "Data Collection – Sexual Abuse.

- a) Accurate, uniform data for every allegation of sexual abuse will be kept as outlined on the Survey of Sexual Violence form.
- b) Designated jail staff will aggregate the incident-based sexual abuse data at least annually.
- c) The incident-based data collected will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- d) The jail administrator or designee will maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.
- e) Upon request, the jail administration will provide all such data from the previous calendar year to the Department of Justice no later than June 30 of each year.

Per interview with the Agency PREA Coordinator he stated he is responsible for collecting data and ensuring that such data includes the information necessary to complete the Federal Bureau of Justice Statistics "Survey of Sexual Victimization (SSV) form. The data is maintained, reviewed, and collected as needed from all available incident-based documents, including reports and investigation files and is aggregated and an annual report prepared. The auditor reviewed the 2020 Annual PREA Report and completed SSV forms.



115.87(e) WSD does not contract for the confinement of its inmates, therefore this provision is not applicable.

115.87(f) Per review of completed SSV forms, they were completed by June 30 of each year.

Based on the review of policies, annual report, documentation, interview and analysis, the facility demonstrated compliance with all provisions of this standard.

## Standard 115.88: Data review for corrective action

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

#### 115.88 (a)

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

#### 115.88 (b)

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

#### 115.88 (c)

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

#### 115.88 (d)

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

### Auditor Overall Compliance Determination

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

**Does Not Meet Standard** (*Requires Corrective Action*)

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. 2020 Annual Report
4. Agency website
5. Interviews with the following:
  - a. PREA Coordinator

WSD/Jail Division Policy and Procedure 361.12, section 22 states, "Data Review for Corrective Action. The jail administrator or designee will review the data collected and aggregated in order to assess and improve the effectiveness of the jail sexual abuse prevention, detection and response policies, practices, and training, by:

- a) Identifying problems areas.
- b) Taking corrective action on an ongoing basis.
- c) Preparing an annual report of its findings and corrective action. The report will include a comparison of the current year's data and corrective action with those from prior years and will provide an assessment of the agency's progress in addressing sexual abuse."

WSD website and the 2020 Annual PREA Report was reviewed and addresses the requirements of this standard. The policies requires the jail administrator or designee to review the data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies; and to identify problem areas and take corrective actions. The annual report includes a comparison of current year's data with the prior year and any identified corrective actions needed.

Based on the review of policies, annual report, documentation, interview and analysis, the facility demonstrated compliance with all provisions of this standard.

## Standard 115.89: Data storage, publication, and destruction

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

### 115.89 (a)

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

### 115.89 (b)

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

### 115.89 (c)

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

## 115.89 (d)

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

### Auditor Overall Compliance Determination

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

Evidence Reviewed (documents, interviews, site review):

1. Waukesha County Jail Pre-Audit Questionnaire
2. WSD/Jail Division Policy and Procedure 361.12
3. 2020 Annual PREA Report
4. Agency website
5. Interviews with the following:
  - a. PREA Coordinator

115.89(a-d) WSD/Jail Division Policy and Procedure 361.12, section 23 states, "Data Storage, Publications, and Destruction

- a) Data collected (reference section 20 above) will be securely retained.
- b) Aggregated sexual abuse data will be readily available to the public at least annually through its website.
- c) Before making aggregated sexual abuse data publicly available, all personal identifiers will be removed.
- d) Other specific material may be redacted from the report when publication would present a clear and specific threat to the safety and security of a facility, but the report must indicate the nature of the material redacted.
- e) Sexual abuse data collected will be maintained for at least ten (10) years after the date of the initial collection unless Federal, State, or local law requires otherwise."

The agency website and the 2020 Annual PREA Report were reviewed and address the requirements of this standard. Per interview with the PREA Coordinator, he is responsible for collecting, maintaining and securing all sexual abuse data. Access to data is controlled. All sexual abuse data collected pursuant to this procedure is maintained and properly stored and secured. Sexual abuse data collected is retained by the agency for ten (10) years after the date of the initial collection. Before making aggregated sexual abuse data publicly available, all personal identifiers are removed.

Based on the review of policies, annual report, Agency website, documentation, interview and analysis, the facility demonstrated compliance with all provisions of this standard.

## AUDITING AND CORRECTIVE ACTION

### Standard 115.401: Frequency and scope of audits

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

### 115.401 (a)

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

### 115.401 (b)

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

### 115.401 (h)

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

### 115.401 (i)

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

### 115.401 (m)

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

### 115.401 (n)

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

### Auditor Overall Compliance Determination

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

**Does Not Meet Standard** (*Requires Corrective Action*)

115.401(a,b)

115.401 (h): The auditor was allowed access and able to observe all areas of the Waukesha County jail.

115.401 (i): The auditor had been provided with extensive files prior to the audit, for review to demonstrate compliance with PREA standards. While at the facility, the auditor reviewed a sufficient sampling based on the size of the facility, inmate and staff records and investigative files. The auditor was permitted to request and received copies of relevant documentation.

115.401 (m): The auditor was permitted to conduct private interviews with inmates and staff. The auditor interviewed the required number of staff and inmates based on the population.

115.401 (n): Inmates were notified a minimum of six weeks prior to the onsite audit on posted facility notices in English and Spanish that they could send confidential correspondence to the Auditor. Interviews with inmates stated they have seen posting. No staff or inmates contacted the Auditor prior to the audit. One inmate requested to speak with the Auditor while on-site and was interviewed.

## **Standard 115.403: Audit contents and findings**

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

**115.403 (f)**

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

### **Auditor Overall Compliance Determination**

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

The Agency website has the prior PREA audit report posted. The audit report was posted on the website within the 90-day requirement.

## 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.

Dave Andraska

August 9, 2021

**Auditor Signature**

**Date**