

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

Interim Final

Date of Report July 31, 2018

Auditor Information

Name: Debra D. Dawson	Email: dddawsonprofessionalaudits@gmail.com
Company Name: 3D PREA Auditing & Consulting, LLC	
Mailing Address: P.O. Box 5825	City, State, Zip: Greenwood, FL 32443
Telephone: 850-209-4878	Date of Facility Visit: June 20, 2018

Agency Information

Name of Agency: Alabama Department of Corrections	Governing Authority or Parent Agency (If Applicable):
Physical Address: 301 South Ripley St.	City, State, Zip: Montgomery, Alabama 36130
Mailing Address: P.O. Box 301501	City, State, Zip: Montgomery, Alabama 36130
Telephone: 573-751-2389	Is Agency accredited by any organization? <input checked="" type="checkbox"/> Yes (Internal PREA Audits) <input type="checkbox"/> No
The Agency Is:	<input type="checkbox"/> Military <input type="checkbox"/> Private for Profit <input type="checkbox"/> Private not for Profit <input type="checkbox"/> Municipal <input type="checkbox"/> County <input checked="" type="checkbox"/> State <input type="checkbox"/> Federal

Agency mission: The mission of the ADOC is to confine, manage and provide rehabilitative programs for convicted felons in a safe, secure and humane environment, utilizing professionals who are committed to public safety and to the positive re-entry of offenders into society.

Agency Website with PREA Information: www.adoc.alabama.gov

Agency Chief Executive Officer

Name: Jefferson S. Dunn	Title: Commissioner
Email: Jefferson.dunn@doc.alabama.gov	Telephone: 334-353-3870

Agency-Wide PREA Coordinator

Name: Christy Vincent	Title: Alabama Department of Corrections PREA Director
Email: Christy.vincent@doc.alabama.gov	Telephone: 334-353-2501
PREA Coordinator Reports to: Temporary to Anne Hill, Chief of Staff	Number of Compliance Managers who report to the PREA Coordinator 52 total to include backup Compliance Managers

Facility Information

Name of Facility: Elba Community Based Facility			
Physical Address 1620 Boswell Street, Elba, AL. 36323			
Mailing Address (if different than above): P.O. Box 710 Elba, Ala. 36323			
Telephone Number: 334-897-5738			
The Facility Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Private not for profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
Facility Type:	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
Facility Mission: The mission of the ADOC is to confine, manage and provide rehabilitative programs for convicted felons in a safe, secure and humane environment, utilizing professionals who are committed to public safety and to the positive re-entry of offenders into society.			
Facility Website with PREA Information: www.adoc.alabama.gov			

Warden/Superintendent

Name: Reosha Butler	Title: Warden I
Email: reosha.butler@doc.alabama.gov	Telephone: 334-897-5738

Facility IPCM

Name: Crystal Smith-James	Title: Correctional Sergeant, Institutional PREA Compliance Manager (IPCM)
Email: crystal.smith-james@doc.alabama.gov	Telephone: 334-897-5738

Facility Health Service Administrator

Name: Ruth Naglich	Title: Director of Health Services
Email: ruth.naglich@doc.alabama.gov	Telephone: 334-353-4049

Facility Characteristics

Designated Facility Capacity: 250		Current Population of Facility: 138	
Number of offenders admitted to facility during the past 12 months			228
Number of offenders admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:			209
Number of offenders admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:			225
Number of offenders on date of audit who were admitted to facility prior to August 20, 2012:			2
Age Range of Population:	Youthful Offenders Under 18: 0	Adults: 22-68	
Are youthful offenders housed separately from the adult population?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Number of youthful offenders housed at this facility during the past 12 months:			0
Average length of stay or time under supervision:			1 year
Facility security level/inmate custody levels:			Min-out & Community custody
Number of staff currently employed by the facility who may have contact with offenders:			30
Number of staff hired by the facility during the past 12 months who may have contact with offenders:			2
Number of contracts in the past 12 months for services with contractors who may have contact with offenders:			1
Physical Plant			
Number of Buildings: 8		Number of Single Cell Housing Units: 0	
Number of Multiple Occupancy Cell Housing Units:		0	
Number of Open Bay/Dorm Housing Units:		7	
Number of Segregation Cells (Administrative and Disciplinary):		1	
Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.):			
Ten cameras are strategically located throughout the facility.			
Medical			
Type of Medical Facility:		Level 2 with no infirmary	
Forensic sexual assault medical exams are conducted at:		Lighthouse Counseling Center, Montgomery Al.	
Other			
Number of volunteers and individual contractors, who may have contact with offenders, currently authorized to enter the facility:			11 Volunteers/ 14 Contractors
Number of investigators the agency currently employs to investigate allegations of sexual abuse:			24 State Wide

Audit Narrative

The Prison Rape Elimination Act (PREA) Recertification Audit for the Elba Community Based Facility, Alabama Department of Corrections (ADOC) was conducted on June 20, 2018. The PREA Recertification Audit was coordinated through the Alabama Department of Corrections and 3D PREA Auditing & Consulting, LLC upon award of the contract by the ADOC. Department of Justice (DOJ) Certified PREA Auditors Debra Dawson and Kenya Golden were assigned to conduct the audit. Debra Dawson served as the Lead Auditor. A line of communication was developed between the ADOC PREA Director Christy Vincent and PREA Auditor Debra Dawson to schedule the audit.

The Elba Community Based Facility is designated as a prison for adult males. The PREA-Audit Questionnaire Adult Prisons & Jail, Notification of PREA audit, and Prison and Jail PREA Audit Checklist were forwarded to the Institution PREA Compliance Manager on May 8, 2018. The pre-audit preparation consisted of a thorough review of all documentation and materials submitted by the facility including the "Pre-Audit Questionnaire" and a flash drive that included staff and inmate PREA training curriculums, agencies policies and procedures, educational material, staff organizational chart, agency's organizational chart, facility staffing plan, brochures, Memorandum of Understandings, PREA pocket cards, posters, forms, staff and inmate handbooks, etc. The facility staff was well organized and very structured in their delivery of supporting documentation for PREA compliance.

The PREA auditors arrived at the facility on June 20, 2018, at 7:50 a.m. The entrance meeting began at 8:05 a.m., with the PREA Auditors, Sergeant Crystal Smith-James/Institution PREA Compliance Manager, Captain Darrick Rouse and Warden I Reosha Butler. Sergeant Crystal Smith-James serves as the facility Institution PREA Compliance Manager (IPCM) and will be identified as such throughout the report. The tour of the facility began at approximately 8:30 a.m. The auditors were escorted by Warden I Reosha Butler and IPCM Crystal Smith-James.

The site visit consisted of conducting a full tour of the Elba Community Based Facility, a thorough review of documentation, and conducting formal and informal interviews with staff and inmates. The audit team toured all operational and program areas to include the main lobby, staff shift office, canteen, canteen storage; population showers; recreation; inmate restrooms; kitchen/dining area; laundry; maintenance area; shakedown room, PREA Office; administrative offices; staff restrooms; chaplain area; maintenance area, seven inmate housing dorms, storage rooms, supply room, tool room, restrictive housing area with 1 cell, break room (which serves as a multipurpose area), intake area, and education area.

PREA posters and notification of the PREA audit visit was observed posted throughout all areas accessible to inmate and staff in both English and Spanish. The notification of the PREA audit visit was documented as posted on May 8, 2018, which met the six weeks required notification period.

During the site visit of the facility, the auditors observed and closely examined the physical layout of each operational area accessible to inmates and staff. The location of 10 cameras, layout of the open bay dormitory units including shower/toilet areas, placement of PREA informational resources, staff supervision of inmates, entrance procedures of female staff entering the male housing units, and shower and toilet areas were extensively monitored by the auditors. PREA education and reporting methods were posted throughout the facility in English and Spanish. PREA flyers explained the procedure for the use of the #66 PREA Hotline and Victim Support Line 1-800-639-4357 (New Help) with call times accessed thru inmate phones. The informational board posted in all areas of the facility created by the IPCM was very attractive, informative and eye catching while drawing other's attention to approaching and reviewing information provided. At the completion of the tour, the auditing team began conducting interviews with staff and inmates.

The facility employed 28 security staff and 8 non-security staff. Security staff includes full time and part time staff. Part time staffs are identified as retired security staff who may work no more than 29 hours per week. The auditors were provided with a staff roster of available staff during the various shifts to select for random interviews. A total of 44 staff/positions was interviewed during the audit by use of the Department of Justice Interview Guide for Random Staff and Specialized Staff. The auditing team was provided separate offices to conduct private interviews with staff and inmates. Eighteen staff was selected for random interviews that included supervisory and non-supervisory security staff from the three scheduled shifts of 10:00 p.m. – 6:00 a.m.; 6:00 a.m. – 2:00 p.m.; and 2:00 p.m. – 10:00 p.m. Security staff from the 10:00 p.m. – 6:00 a.m. was made available for interviews outside their normal shift. Intermediate and higher level supervisors, and a variety of support staff to include: Food Service Stewards; Maintenance Supervisor; Staff Handling Inmate Mail; Business Office Manager; Administrative Support Staff was also selected for random interviews by the auditors.

Twenty-six staff was selected for interview base on their assigned specialized PREA responsibilities. (1) ADOC Associate Commissioner of Operations; (1) Agency Contract Administrator; (1) ADOC PREA Director; (1) Warden, (1) Institution PREA Compliance Manager (IPCM); (1) Incident Review Team Member; (1) Human Resource Personnel; (2) Medical Contract Staff; (1) Mental Health Contract Staff; (1) Mullins Fire Department Contract Worker; (4) Intermediate or Higher Supervisor; (1) Staff Who Perform Screening For Risk Of Victimization and Abusiveness; (2) Investigative Staff; (2) Designated Staff Member Charged With Monitoring Retaliation; (1) SANE Nurse; (1) Intake Staff; (1) Alabama Coalition Against Rape Crisis Center; (1) Religious Volunteer; (1) The Executive Director Crisis Services of North Alabama; (1) Security Staff Who Have Acted As First Responder. All staff interviewed was knowledgeable of the agency's zero tolerance of sexual abuse and sexual harassment and their responsibility role in compliance to the PREA standards.

The inmate base count was 135 on the day of the site visit, June 20, 2018. The IPCM provided the auditors with rosters of each housing unit that identified inmates alphabetical and by bed assignments in addition to rosters for the limited targeted group of inmates for interviews. Inmates were randomly selected by inmate roster. Thirty inmates were selected for interviews. An alphabetical roster was utilized to select 28 inmates for random interviews. Two inmates were identified from the target group for interviews as following; (1) Inmate Identified with Physical Disability; (1) Inmate Who Reported Sexual Victimization. There were zero inmates at Elba Community Based Facility who were identified as Inmates Who Identified as Lesbian or Gay; Transgender or Intersex; Who Reported Sexual Abuse; Identified as Limited Proficient English; or Identified as Cognitive Disability. Inmates interviewed were knowledgeable of the Agency's zero tolerance of sexual abuse/harassment and the procedures for reporting.

The Agency publishes their investigative policy on its website www.adoc.alabama.gov. This site also gives an overview of their PREA Policy and provides additional information by clicking on the topic hyperlink.

Medical and mental health staffs are contracted through Wexford Medical Source, Inc. A roving medical team assigned at Kilby Correctional Facility report to the Elba Community Based Facility to provide limited medical services. The roving medical staff consists of a Physician Assistance, Nurse and a Medical Assistant. Inmates are transported by Elba Community Based Facility staff to Easterling Correctional Facility Healthcare Unit which is approximately 45 minutes away from Elba Community Based Facility for additional medical and all mental health treatment. Forensic examinations are conducted at The Lighthouse Counseling Center, Montgomery, AL.

The auditors were impressed with organizational skills and thoroughness of the documentation submitted by the IPCM in advance and during the site visit. In addition to the assistance and involvement demonstrated by Warden Reosha Butler during the site visit. It was obvious that leadership staff work as a team in ensuring compliance with the PREA standards at Elba Community Based Facility. The auditing team was treated with great hospitality during the site visit by staff at the Elba Community Based Facility. Staff and inmates were readily available for interviews without delay and the audit team was provided unimpeded access to all areas and was provided relevant documentation required to conduct a thorough PREA audit under the standards of DOJ. The audit team conducted a closeout on June 20, 2018, at approximately 7:30 p.m., with Warden Reosha Butler, Captain Darrick Rouse and IPCM Crystal Smith-James.

Facility Characteristics

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate, inmate or detainee population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

Elba Community Based Facility is located in the rural area of Southern Alabama, at 1620 Boswell Street, Elba Alabama. In 1976, the facility was converted from an Alabama State Highway Department Road Camp to a Work Release Center. One holding cell, remodeling of inmate restrooms and showers, in addition to a metal roofing was added in 2005. A video monitoring system was installed in 2007. A shakedown room was added in 2009, and a canteen storage building was added in 2013.

The facility is designated as an adult male correctional facility that houses inmates between the ages of 22 – 68 and a custody level of minimum out and community level. The facility has an inmate capacity rate of 250 inmates. There were 209 inmates admitted during the past 12 months of the audit whose length of stay at the facility was 30 days or more. Two hundred twenty-five inmates were admitted to the facility during the past 12 months of the audit whose length of stay was 72 hours or more.

The Elba Community Based Facility has 8 buildings with 7 inmate housing dormitories. However, one inmate housing (H) is not being utilized at the time of the audit. The main building consists of the inmate housing A – E and H, inmate dining hall, shift office, recreation hall, population showers, restroom, and kitchen. The showers are in an open bay concept with shower curtains at the entrance for inmates' privacy during use. Inmates are allowed to shower, use the toilet, and perform bodily functions, without being seen by staff of the opposite sex due to appropriate shower curtains, doors and/or modesty panels are installed.

There is one centralized administration building that includes the warden's office, warden's secretary office, captain's office, accounting clerk's office, job placement office, mail and supervised release program office, file room, storage room, boiler room, male and female restrooms, business officer manager, break room which serves as a multipurpose room for many departmental needs to include medical roving team station, education, etc..

The laundry and maintenance building contains separate spaces which consist of a tool cage, chemical storage room, shakedown room with modesty panels, laundry room, laundry supervisor's office, sink room, inmate property room, storage, maintenance area and PREA Office.

Other buildings are designated as: Canteen; Chaplain; Canteen Storage; F and G Housing Units.

The facility has one restrictive housing cell. The cell is secured behind double doors of the recreation area. There are two bunks in this cell with a capacity rate of 4. Inmates are placed in this area for not longer than 72 hours, pending the completion of an investigation of determining if the inmate will return to the general population or transferred to another ADOC facility.

In addition to the installation of 10 mirrors installed at the facility, staffs utilize large convex mirrors to eliminate blind spots in the detection and prevention of sexual abuse and/or sexual harassment. There were no blind spots noted by the auditors during the site visit.

The Elba Community Based Facility use medical and mental health services from other ADOC facilities such as Easterling Correctional Facility, and Kilby Correctional Facility.

Religious service programs are provided by local volunteers during the week and weekends. A Celebrate Recovery Program is offered to the inmate population weekly. All volunteers and contract workers are escorted by security staff while at the facility.

Summary of Audit Findings

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

Number of Standards Exceeded: 4

115.16; 115.17; 115.31; 115.33;

Number of Standards Met: 39

115.11; 115.12; 115.13; 115.14; 115.15; 115.18; 115.21; 115.22; 115.32 115.34; 115.35; 115.41; 115.42; 115.43; 115.51; 115.52; 115.53; 115.54; 115.61; 115.62; 115.63; 115.64; 115.65; 115.66; 115.67; 115.68; 115.71; 115.72; 115.73; 115.76; 115.77; 115.78; 115.81; 115.82; 115.83; 115.86; 115.87; 115.88; 115.89

Number of Standards Not Met: 0

None

Summary of Corrective Action (if any)

None

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 IPCM? (N/A if agency operates only one facility.) Yes No NA
- Does the IPCM have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of Alabama Department of Corrections (ADOC) Organizational Structure; ADOC Policy AR 454 Inmate Sexual Abuse and Harassment; Interviews with PREA Director and IPCM, Elba Community Based Facility meets the mandate of this standard. The Agency's AR 454 policy provides a detailed outline of required practice in the agency's approach to preventing, detecting, and responding to allegations of sexual abuse and sexual harassment. The policies include definitions of prohibited behaviors regarding sexual assault and sexual harassment of inmates with sanctions for those found to have participated in these prohibited behaviors. Policies also include the agency's strategies and responsibilities to detect, reduce and prevent sexual abuse and sexual harassment of inmates. The ADOC PREA Director is a position assigned by the Agency Director to coordinate the Agency's statewide compliance with PREA. The PREA Director stated she has 26 fulltime IPCM and 26 backup 26 IPCM that are assigned to the various correctional facilities within the Agency. She maintains an open line of communication through classroom training, emails, via phone, etc with each to ensure their understanding and compliance of the PREA standards. The ADOC PREA Director and IPCM both confirmed during interviews they have sufficient time to accomplish the duties assigned to the roles of their positions.

Standard 115.12: Contracting with other entities for the confinement of offenders

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 offenders 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 offenders.) 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 offenders OR the response to 115.12(a)-1 is "NO".) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

Per certification by the Associate Commissioner of Operations, the Alabama Department of Corrections does not have any contracts with any other entities specifically for the confinement of its male inmate population. Thus the requirement to monitor third party entities does not apply to the Agency.

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 agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect offenders against sexual abuse? Yes No
- Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect offenders against sexual abuse? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of

inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring? Yes No

- Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or offenders may be isolated) in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring? Yes No NA
- Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring? Yes No
- Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring? Yes No

115.13 (b)

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

115.13 (c)

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

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

115.13 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: SOP 454-2 Staffing Plan: Annual Staffing Plan Review: Staffing Plan Deviation Notification: Logs for Unannounced Rounds: ADOC Coordinated Response to Sexual Assault it is determined that the Elba Community Based Facility meets the mandate of this standard. The Agency and Elba Community Based Facility has established a staffing plan which provides for adequate levels of staffing and where applicable, they use direct monitoring to protect offenders against sexual abuse. A copy of a staffing plan signed on May 8, 2018, was reviewed by the auditors. An interview with the Warden verified the staffing plan was developed considering the generally acceptable correctional practices: any judicial findings, any findings of inadequacy from federal investigative agencies, any findings of inadequacy from internal or external oversight bodies, all components of the physical plant, the inmate population, the number and placement of supervisory staff, institutional programs and the shifts they occur on applicable state or local laws or regulations, the prevalence of substantiated and unsubstantiated incidents of sexual abuse and any other relevant information. The staffing positions are developed from the staffing plan established by ADOC.

Policy dictates and procedures confirm deviations from the staffing plan are documented and the reasons for the deviation are noted on the Staffing Plan Deviation log for the past 12 months. Elba Community Based Facility is making use of overtime and mandatory overtime for staff coverage at the facility prior to vacating mandatory post.

A review of log book entries confirmed intermediate and higher level staff are conducting unannounced rounds as required within the agency's policy. The Warden, Captain and IPCM are making a minimum of three unannounced rounds a week and supervisory staff perform these rounds each shift. Supervisory staff and random staff were aware of agency's policy prohibiting staff from notifying other staff that Supervisory rounds are being conducted.

The facility utilizes video monitoring which is supported by a DVR system that maintain 10 cameras positioned throughout the facility to provide security enhancement. Review of video monitoring confirmed the inmates' privacy for showering, use of toilet and performance of bodily functions was not observant to staff during video monitoring.

Standard 115.14: Youthful offenders

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

115.14 (a)

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

115.14 (c)

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

- Do youthful offenders have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful offenders [offenders <18 years old].)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of ADOC 454 Inmate Sexual Abuse and Harassment, Elba Community Based Facility meets the mandate of this standard. Elba Community Based Facility does not house Youthful Inmates. Youthful inmates are housed at William E. Donaldson Correctional Facility. Per ADOC 454 Inmate Sexual Abuse and Harassment, Youthful inmates shall not be placed in a housing unit in which the youthful inmate will have 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. In areas outside the housing unit, if sight and sound separation cannot be maintained, direct staff supervision shall be provided.

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 offenders in non-exigent circumstances? (N/A here for facilities with less than 50 offenders before August 20, 2017.) Yes No NA

- Does the facility always refrain from restricting female offenders' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A here for facilities with less than 50 offenders before August 20, 2017.) 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 offenders? Yes No

115.15 (d)

- Does the facility implement a policy and practice that enables offenders 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 offenders 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 offenders in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? Yes No

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of ADOC AR 454 Inmate Sexual Abuse and Harassment: ADOC AR 336 Searches: SOP 336-2 Inmate Searches: PREA Training Acknowledgements: Interviews with Warden, supervisory staff, random staff, and random inmates, the Elba Community Based Facility meets the mandate of this standard. Cross-gender strip searches are not conducted at Elba Community Based Facility. Staff shall not conduct cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. There were zero body cavity searches and/or cross-gender strip searches that met the requirement of exigent circumstances or were performed by staff other than medical practitioners. The facility has implemented policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine security housing checks. These policies and procedures require staff of the opposite gender to announce their presence when entering an inmate's housing unit.

Interviews with the selection of random staff, and inmates from each housing unit confirmed they are able to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing them as required by the standard. Interviews with staff and inmates confirmed staff of the opposite gender announces their presence when entering an inmate housing unit. This practice was observed by the auditors upon female employees entering the housing units. No inmates identified as transgender or intersex was assigned at the Elba Community Based Facility, therefore, none were available for interview.

Standard 115.16: Offenders with disabilities and offenders 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 offenders 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: offenders who are deaf or hard of hearing? Yes No

- Does the agency take appropriate steps to ensure that offenders 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: offenders who are blind or have low vision? Yes No
- Does the agency take appropriate steps to ensure that offenders 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: offenders who have intellectual disabilities? Yes No
- Does the agency take appropriate steps to ensure that offenders 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: offenders who have psychiatric disabilities? Yes No
- Does the agency take appropriate steps to ensure that offenders 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: offenders who have speech disabilities? Yes No
- Does the agency take appropriate steps to ensure that offenders 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 offenders 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 offenders with disabilities including offenders 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 offenders with disabilities including offenders 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 offenders with disabilities including offenders 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 offenders who are limited English proficient? Yes No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? Yes No

115.16 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of ADOC AR454 Inmate Sexual Abuse and Harassment: Alabama Institute for Deaf & Blind Contract: PREA Training Acknowledgement: PREA Video, Posters, Brochures it is determined that the Elba Community Based Facility meets the mandate of this standard. Elba Community Based Facility takes steps and has policies that ensure 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. PREA posters and educational materials are provided in English and Spanish. Inmates who are deaf are provided PREA information thru written form, i.e. PREA guidelines, Education Brochures and Videos with subtitles. Agency's policy require inmates who are blind are provided an audio version in either English or Spanish. PREA Videos are available with subtitles.

Interviews with random staff confirmed the facility does not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise an inmate's safety, the performance of first responder duties, or the investigation of an inmate's allegations. There were (1) Inmate with a limited physical disability. He confirmed the facility provides PREA education in a manner he fully

understands. There were zero inmates at Elba Community Based Facility identified as Limited Proficient English.

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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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, or to enlist the services of any contractor, who may have contact with offenders? Yes No

115.17 (c)

- Before hiring new employees, who may have contact with offenders, does the agency: perform a criminal background records check? Yes No

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

115.17 (g)

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

115.17 (h)

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

Auditor Overall Compliance Determination

Exceeds Standard (*Substantially exceeds requirement of standards*)

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of ADOC AR 454, Inmate Sexual Abuse and Harassment; AR 216, Background Investigations; AR 208, Employee Standards of Conduct and Discipline; Review of Personal Information Sheets; ADOC Form 216; Interviews with Agency Human Resource Personnel and Warden, Elba Community Based Facility meets the mandate of this standard. All hiring and approved clearances allowing entrance into Elba Community Based Facility is accomplished with a background check through the National Crime Information Center (NCIC). The ADOC Personnel Director shall conduct a criminal background records check every five (5) years on all current employees and contractors. Volunteer and Contractor background checks are completed through Staton (com center for ADOC). The auditors were provided documentation of staff backgrounds checks by the ADOC PREA Director. Before hiring a new employee or contractor: 1) the ADOC Personnel Division or designee shall conducts a criminal background record check; 2) Make its best efforts to contact all prior institutional employers in regards to substantiated allegations of sexual abuse or any resignation during a period of sexual abuse investigation; (3) Ask potential employees and contractors about previous misconduct: a.) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; b) Has been convicted of engaging or attempting to engage in sexual activity in the community, facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or c) Has been civilly or administratively adjudicated to have engaged in the activity. Apprise potential employees and contractors that false information or material omissions regarding such misconduct shall be grounds for termination and that they have a continuing duty to disclose such conduct. For all promotions and rehires, the Intelligence and Investigative Division Director shall conduct a criminal background records check. Those employees who have engaged in any conduct as aforementioned shall be disqualified for promotion. Employees are required to report immediately any pending charges/arrest. When security staffs are arrested, the Agency is required to notify the Alabama Peace Officers' Standards and Training Commission. Employees are subject to disciplinary sanctions up to and including termination for violating sexual abuse or sexual harassment policies, as detailed in AR 208, Employee Standards of Conduct and Discipline.

Staffs are required to complete a Waiver and Authorization To Release Information to authorize and request the full release of the information, without any reservation, throughout the duration of their association with the ADOC. This must be prior to 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 prior to the Agency doing so. There were zero terminations for violation of sexual abuse/harassment or resignation pending an investigation of sexual abuse/harassment in the past 12 months of the audit.

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 offenders 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 offenders from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
 Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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In accordance with a review of ADOC AR 454 Inmate Sexual Abuse and Harassment: SOP 454-2 Staffing Plan: Surveillance System Schematic, Interviews with Warden and IPCM it is determined that the Elba Community Based Facility has not had any substantial renovations to the physical plant since the previous PREA audit.

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? Yes No
- 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 entity 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 attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.] Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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In accordance with a review of SOP 306, Evidence & Contraband Collection; AR 454, Inmate Sexual Abuse and Harassment; Advocacy MOU with Crisis Services; Training Records for Specialized Investigators; Elba Community Based Facility Coordinated Response Protocol, Elba Community Based Facility meets the mandate of this standard. The IPCM is responsible for conducting inmate on inmate allegations of sexual harassment. The Agency's Intelligence and Investigation Division (I&I) is responsible for conducting all other administrative investigations and all criminal investigations within the Agency. The Directives for Inmate Sexual Abuse and Harassment follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. An interview was conducted with an I&I Investigator who responds to incidents of sexual abuse/harassment. The Investigator was knowledgeable of the sexual assault investigative process, evidence collection protocols, and use of the Sexual Abuse Checklist. Emergency healthcare as well as forensic examinations by SANE/SAFE staff are provided at no cost to the inmate. The Agency has a MOU with Alabama Coalition Against Rape ("ACAR"). An advocate is provided to the inmate upon request. Services include providing emotional support through the forensic medical examination and investigation interviews. An interview with the Warden confirmed that these services are available to all victims of sexual abuse upon request. SANE examinations are conducted at Lighthouse Counseling Center in Montgomery Alabama by a SANE nurse. The victim will be provided treatment and services as required by the laws, regulations, standards and policies at no cost to them. The uniform evidence protocol used includes sufficient technical detail to aid responders in obtaining useable physical evidence and is appropriate for youth when necessary. However, youthful inmates are not housed at Elba Community Based Facility.

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 such publication describe the responsibilities of both the agency and the investigating entity? [N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).] Yes No NA

115.22 (d)

- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment; PREA Allegation Checklist; Elba Community Based Facility Coordinated Response Protocol; Referrals for an Investigation; Agency website; Duty Officer Report; Incident Report; Interviews with investigative Staff, Elba Community Based Facility meet the mandates of this standard. An administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Inmate on inmate sexual harassment investigations are conducted by the IPCM. I&I Investigators conduct all allegations involving staff and all allegations in which criminal charges could be possible. The I&I Investigator indicated during the interview that all corresponding evidence is placed in a Digital File (Incident Module, AR 302) and the Inmate Sexual Abuse or Sexual Harassment is categorized either A or B by severity of

offense during initial notification requirements. The more serious of the two is classification **A** (Sexual Abuse), which requires the Duty Officer, Warden and Director to be immediately notified. Classification **B** (Sexual Harassment) requires the Duty Officer notification.

There was one allegation reported for sexual abuse during the audit review period. This investigation remained in pending status during the audit process. The Investigators are responsible for conducting a prompt, thorough and objective investigation, whether administrative or criminal, in all such cases. Investigators compile all evidence to include investigative reports, dictated interviews, audio & video case files, Garrity waivers, Miranda waivers, Search Warrants, Arrest Warrants, Prosecution waivers and Subpoenas. The agency publishes the policy on its website (www.adoc.alabama.gov) and has a request for investigation form for the public to utilize for a third party request for an investigation.

The Agency publishes the policy on its website (www.adoc.alabama.gov) and has a request for investigation form for the public to make a third party request for an investigation.

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 offenders on its zero-tolerance policy for sexual abuse and sexual harassment? Yes No
- Does the agency train all employees who may have contact with offenders 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 offenders on offenders' right to be free from sexual abuse and sexual harassment Yes No
- Does the agency train all employees who may have contact with offenders on the right of offenders 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 offenders on the dynamics of sexual abuse and sexual harassment in confinement? Yes No
- Does the agency train all employees who may have contact with offenders on the common reactions of sexual abuse and sexual harassment victims? Yes No
- Does the agency train all employees who may have contact with offenders 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 offenders on how to avoid inappropriate relationships with offenders? Yes No
- Does the agency train all employees who may have contact with offenders on how to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders? Yes No
- Does the agency train all employees who may have contact with offenders 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 offenders at the employee's facility? Yes No
- Have employees received additional training if reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa? Yes No

115.31 (c)

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

115.31 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of: AR 454, Inmate Sexual Abuse and Harassment: ADOC Lesson Plan for Basic PREA Training; ADOC pamphlet on What Staff Should Know About Sexual Misconduct with Inmates; ADOC PREA Refresher Training, and Signed PREA Training Acknowledgement forms, Elba Community Based Facility meets the mandate of this standard. ADOC mandates PREA training every two years, that addresses all PREA requirements including their zero tolerance policy, the Agency's policy and procedures for prevention reporting and response to a sexual assault and/or sexual harassment in a confinement setting, common reactions of sexual abuse and 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 offenders, and how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. Elba Community Based Facility provides their staff with this training in addition to the issue of a (PREA Immediate Response Procedure Card). A review of staff's training rosters with acknowledgment of staff's signatures served as confirmation of staff receiving required training.

During interviews with random staff they were very knowledgeable of their responsibilities to protect victims, respond to allegations and refer reports for further investigation. Staff complimented the IPCM on her creative method of educating staff and the inmate population on PREA. She was identified as applying extra effort in designing informational boards containing PREA information that was colorful, eye catching and interesting that attracted other's attention to the information provided. Informational boards of such PREA material was observed and appreciated by the auditors during the site visit. The IPCM also distribute PREA puzzles to staff to complete as additional PREA training.

Elba Community Based Facility provides training tailored to the gender of the male inmates at the facility and includes training that includes the search of transgender and intersex inmate. There were no staff that transferred to Elba Community Based Facility Work (male facility) from a correctional facility that house only female offenders. However, policy does dedicate gender training on searches will be administered to the staff member within one year of transfer.

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 offenders 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 offenders 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 offenders)? Yes No

115.32 (c)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454, Inmate Sexual Abuse and Harassment: Handout for Volunteers and Contractors: ADOC Lesson Plan – PREA Module for Volunteers and Contractors: A PREA Brochure for Volunteers and Contractors, and Training Acknowledgment Forms signed by Contractors and Volunteers, Elba Community Based Facility meets the mandate of this standard. Contractor and Volunteer orientation training includes the agency's policy and procedures regarding sexual abuse and sexual harassment prevention, detention, reporting, and response including zero tolerance. Elba Community Based Facility Volunteer and Contractor training records were reviewed and they indicated that the training was received and that it was understood. Medical, mental health and fire department contract workers and one religious service volunteer were interviewed and each acknowledged receiving PREA training. They articulated their understanding of the agency's zero tolerance of sexual abuse and sexual harassment and their responsibility in reporting, how to avoid inappropriate relationship with offenders, prevention, detection and the response of sexual harassment or sexual abuse. The training provided, included the mandatory standard to report all incidents, knowledge or suspicions of sexual abuse or sexual harassment. Elba Community Based Facility has 11 volunteers and 13 medical contractors, and 1 educational staff who have contact with inmates and all have received the required PREA training.

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 offenders receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? Yes No
- During intake, do offenders 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 offenders 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 offenders 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 offenders either in person or through video regarding: Agency policies and procedures for responding to such incidents? Yes No

115.33 (c)

- Have all offenders received such education? Yes No
- Do offenders 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 offenders including those who are limited English proficient? Yes No
- Does the agency provide inmate education in formats accessible to all offenders including those who are deaf? Yes No
- Does the agency provide inmate education in formats accessible to all offenders including those who are visually impaired? Yes No
- Does the agency provide inmate education in formats accessible to all offenders including those who are otherwise disabled? Yes No
- Does the agency provide inmate education in formats accessible to all offenders 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 offenders through posters, inmate handbooks, or other written formats? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: Elba Community Based Facility Inmate Orientation Handbook: Inmate Orientation Sign-in Sheets: PREA Posters and Pamphlets, and interviews with random and targeted inmates, Elba Community Based Facility meet the mandate of this standard. Elba Community Based Facility ensures all incoming offenders receive PREA training on the day of arrival during the intake process in a language they can comprehend. The inmates is given verbal and written, understandable information explaining the ADOC's zero tolerance PREA policy including how to report sexual abuse and harassment upon their initial intake. These documents include a PREA pamphlet and inmate handbook which explains the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents. The intake staff provides PREA literature to the newly arriving inmates and covers the PREA information with the inmate.

The inmates also receive a comprehensive educational orientation by an IPCM on the ADOC's zero tolerance PREA policy and how to report sexual abuse and harassment within 30 days of their arrival into an ADOC institution. Inmate education is documented for each inmate and maintained in the inmates' file.

Random inmate interviews confirm they have received PREA information during intake thru the utilization of video, pamphlets and lectures. Inmates interviewed confirmed receiving PREA education within hours of their arrival and reference the PREA posters throughout the facility in all housing,

program areas, common areas, visiting room and various other areas accessible to the inmate population.

Elba Community Based Facility has policies in place that require the facility to provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, otherwise disabled, as well as to inmates who have limited reading skills. Copies of PREA materials and the PREA video were reviewed and confirm PREA material is made available in English and Spanish. Interpretation services are provided in accordance with MOUs with Alabama Institute for Blind & Deaf. In the event an inmate has difficulty understanding the written material due to a disability or limited reading skills, an appropriate staff member is provided.

Access to interpretation services is not only provided by the Alabama Institute for the Deaf and Blind but all Institutional IPCMs have access to Google Translate services through the internet. With Google Translate services and the use of microphone, the IPCM's have instant access to interpretation services in emergency situations. The Google Translate service <https://translate.google.com>, is an electronic service utilized, and all instructions for this service is provided on a screen prompt.

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 have received training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) Yes No NA

115.34 (b)

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

115.34 (c)

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

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454, Inmate Sexual Abuse and Harassment: ADOC Lesson Plan – Special Investigator Training, Training Acknowledgement for Investigators: Interviews with Office of Intelligence & Investigations, Elba Community Based Facility meets the mandate of this standard. Investigators assigned to conduct sexual abuse allegations and/or sexual harassment within Elba Community Based Facility are required and have received specialized training in conducting sexual abuse investigations in confinement settings. This training is completed through the Alabama Law Enforcement Agency Training using DOJ Online training. This training includes techniques for interviewing sexual abuse victims, proper use of the Miranda and Garrity warnings, sexual abuse evidence collection in confinement setting, and the criteria and evidence to substantiate a case for administrative action or prosecution referral. Investigators are required to complete annual mandatory training for investigations relevant to Sexual Abuse and Sexual Harassment of inmates. The investigators interviewed, confirmed their training and records were provided to the auditors to substantiate that training had been provided.

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? Yes No
- 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? Yes No
- 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? Yes No
- 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? Yes No

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.) 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? Yes No

115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? Yes No
- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? Yes No

Auditor Overall Compliance Determination

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

Does Not Meet Standard (Requires Corrective Action)

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454, Inmate Sexual Abuse and Sexual Harassment: In-Service PREA Training for Medical Staff: Lesson Plan – SAFE/SANE: List Certified SAFE/SANE nurses: MOU with Crisis Services it is determined that Elba Community Based Facility meets the mandate of this standard. The training curriculum includes 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 how and who to report allegations or suspicions of sexual abuse and sexual harassment. Interviews with Medical staff demonstrated their understanding on 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 how and who to report allegations or suspicions of sexual abuse and sexual harassment during the interview process. Forensic medical examinations are conducted by a SANE Nurse at The Lighthouse Counseling Center. If no medical staff is on duty at the time of the allegation, they would provide first aid care as needed without disturbing any evidence of an alleged sexual assault victim. The inmates at Elba Community Based Facility are transported by staff to Easterling Correctional Facility for mental health services.

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 offenders assessed during an intake screening for their risk of being sexually abused by other offenders or sexually abusive toward other offenders? Yes No
- Are all offenders assessed upon transfer to another facility for their risk of being sexually abused by other offenders or sexually abusive toward other offenders? 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? Yes No

115.41 (e)

- In assessing offenders for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse? Yes No
- In assessing offenders for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses? Yes No
- In assessing offenders for risk of being sexually abusive, does the initial PREA risk screening consider, when 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 a: Incident of sexual abuse? Yes No
- Does the facility reassess an inmate's risk level when warranted due to a: 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 offenders 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 offenders? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Sexual Harassment: SOP 454-4 Use of Screening Information: Classification Spreadsheet: Intake Risk Assessment: PREA Risk Re-Assessment: Interviews with medical and mental health staff, intake staff and IPCM, it is determined that Elba Community Based Facility meets the mandate of this standard. All inmates are screened for risk of victimization and abusiveness normally on the day of their arrival but always within 72 hours of their arrival as confirmed during an interview with intake staff and a review of screening forms. The screening instrument includes whether the inmate has a mental, physical, or developmental disability, the age and physical build of the inmate, previously incarceration history, whether the inmate's criminal history is exclusively nonviolent, prior convictions for sex offenses, whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming, past sexual victimization, self-perception of vulnerability and civil immigration status.

The mental health staffs are assigned at Easterling Correctional Facility and shall meet with the inmate and review their screening information. If the screening indicates that the inmate has prior sexual victimization or sexual aggression in their history, the mental health staff shall offer a follow-up meeting with the inmate within 14 days of the intake screening. The inmates at Elba Community Based Facility are escorted to Easterling Correctional Facility by staff as needed.

Staff reassesses the inmate's risk of victimization or abusiveness Based upon any additional, relevant information received by the facility since the intake screening normally not later than 30 days to ensure any concerns with the inmate's safety is addressed prior to transfer to his designated correctional facility. Information obtained during the initial assessment and reassessment is placed in the inmate's classification file. These files are accessible to identified authorized staff only. Apart from reporting to designated supervisors and/or officials, staffs are prohibited from revealing any information related to a sexual abuse report to anyone other than to make treatment, investigation, and other security and management decisions.

Documentation confirmed compliance with this standard. Interviews were conducted with an inmate who disclosed during screening previous sexual victimization, one identified with a disability and 28 random inmates who confirmed reassessment were conducted within 30 days of their arrival. A review of the files noted the inmates as receiving the assessments. The IPCM confirmed inmates are not

disciplined for refusing to answer, or for not disclosing complete information during the screening for risk of victimization and abusiveness

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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 offenders, 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 offenders 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 offenders, 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 offenders given the opportunity to shower separately from other offenders? 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 offenders, does the agency always refrain from placing: lesbian, gay, and bisexual offenders in dedicated facilities, units, or wings solely on the basis of such identification or status? Yes No
- 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 offenders, does the agency always refrain from placing: transgender offenders in dedicated facilities, units, or wings solely on the basis of such identification or status? Yes No
- 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 offenders, does the agency always refrain from placing: intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Sexual Harassment: SOP454-4 Use of Screening Information: Inmate Housing Designation Spreadsheet: and Interviews with Intake Staff and IPCM, it is determined that Elba Community Based Facility meets the mandate of this standard. Elba Community Based Facility uses information from the risk assessment to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. Information obtained during the screening is used by staff to make individualized determinations about how to ensure the safety of each inmate.

The agency has policy outlining the use of screening information. Transgender or intersex inmates housing 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. Those inmates identified as transgender or intersex would be reassessed every six months and additionally if needed. Transgender and intersex inmate's own view with respect to his own safety is given consideration. Transgender and intersex inmates are given the opportunity to shower separately from other offenders. The agency does not place lesbian, gay, bisexual, transgender, or intersex inmates in a dedicated unit Based solely on identification or status. The auditors noted there were zero transgender or intersex inmates housed at the facility in the past 12 months of the audit.

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 offenders 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 offenders 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 offenders 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 offenders 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 offenders 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 access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited? Yes No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation? Yes No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations? Yes No

115.43 (c)

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

115.43 (d)

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

115.43 (e)

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

Auditor Overall Compliance Determination

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

Does Not Meet Standard (Requires Corrective Action)

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of ADOC AR 454 Inmate Sexual Abuse and Harassment, and Interviews with the Warden, and IPCM, it was determined Elba Community Based Facility meets the mandate of this standard. Inmates at high risk for sexual victimization are not placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. The agency's policy prohibits placing inmates in involuntary segregated housing in lieu of other housing areas. Depending on the circumstances, inmates could be transferred, an inmate could be placed in safe keeping general population, the inmate identified could be transferred until completion of the investigation, and etc. Inmates would be transferred to another ADOC facility. However under any special circumstance, that an involuntary segregated housing placement is made the placement is reviewed on a weekly basis until other housing can be found. Segregated housing assignments will not exceed a period of thirty (30) days. All 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 zero inmates placed in involuntary segregation due to being at a high risk of sexual victimization in the past 12 months of the audit.

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 offenders to privately report: Sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for offenders to privately report: Retaliation by other offenders or staff for reporting sexual abuse and sexual harassment? Yes No
- Does the agency provide multiple internal ways for offenders 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 offenders 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 offenders detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? Yes No

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 offenders? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of the Employee Handbook: Inmate Handbook: PREA Posters and Brochure: Elba Community Based Facility Coordinated Response Plan: MOU with Department of Economic & Community Affairs for Hotline Reports: AR 454 Inmate Sexual Abuse and Harassment it is

determined that Elba Community Based Facility meets the mandate of this standard. Elba Community Based Facility has multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Inmates receive a copy of The Inmate Handbook during the intake process which advises them that they can contact any staff member, dial call #66 on the inmate phones to leave a message or use the PREA Dropbox to report sexual abuse or assault internally. Additionally, there are posters throughout the facility which also inform the inmates of other reporting options. To report to an external organization, inmates can contact the Alabama Department of Economic & Community Affairs (ADECA) via a hotline. Reports may be made confidentially and remain anonymous upon request. Inmates are advised to report by phone, tell staff member, tell a family member or friend, or write I&I. When inmates report allegations to third parties, they should contact the ADOC concerning the allegations through the public website at DOC.PREA@doc.alabama.gov. All allegations including anonymous allegations are investigated. Interviews with random sample staff and offenders confirmed an inmate may report an incident of sexual abuse, sexual threats or any act of retaliation verbally or in writing, anonymously and from third parties. Staff confirmed verbal reports of sexual abuse and/or sexual harassment are promptly documented and submitted to their supervisor.

Elba Community Based Facility has policies and procedures in place that provides various methods for staff to privately report sexual abuse and sexual harassment of inmates. Interviews with a random sample of staff confirmed they may privately report any suspicion of sexual abuse or sexual harassment of an inmate by contacting their immediate supervisor, on duty security supervisor, I&I Investigator, Warden, Captain and/or PREA Hotline

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 NA

115.52 (b)

- Does the agency permit offenders 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 offenders 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 offenders, staff members, family members, attorneys, and outside advocates, permitted to assist offenders 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 offenders? (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*)

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does

not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

In accordance with Inmate Handbook: ADOC AR 454 Inmate Sexual Abuse and Harassment it is determined that Elba Community Based Facility exempt from the mandates of this standard. ADOC does not have a Grievance process. Elba Community Based Facility has procedures that ensure the facility has an administrative procedure for dealing with inmate allegations regarding sexual abuse. Inmates may use a PREA Dropbox or may place their allegations in a Pre-Addressed envelope to the Intelligence & Investigations Division. Postage for these letters are provided by the facility.

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 offenders with access to outside victim advocates for emotional support services related to sexual abuse by giving offenders 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? Yes No
- Does the facility enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible? Yes No

115.53 (b)

- Does the facility inform offenders, 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 offenders with confidential emotional support services related to sexual abuse? Yes No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: PREA advocacy posters: Inmate Handbook: MOU with Alabama Coalition Against Rape: MOU with Crisis Services of North Alabama: Interviews with IPCM it is determined that Elba Community Based Facility meets the mandate of this standard. Elba Community Based Facility has a MOU with the Alabama Coalition Against Rape for advocacy services and Crisis Services for forensic exams, and Alabama Department of Economic & Community Affairs as the Hotline. These agreements outlines the services provided by the Program as: follow-up with offenders who made direct contact seeking rape crisis services via telephone or mail or requested through ADOC: maintain active, confidential communication with ADOC staff in order to facilitate treatment for victims, consistent with the victim's right to confidentiality: to provide in person follow-up rape crisis counseling and emotional support services at the facility: and must be willing to participate in training to advance the goals and program objectives with ADOC. This information is posted in the housing areas.

Standard 115.54: Third-party reporting

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

115.54 (a)

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

Auditor Overall Compliance Determination

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

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of the ADOC PREA Policy Web Page (<http://www.doc.alabama.gov>): PREA Posters and Brochures: and Interviews with Random Staff and Random Inmates, Elba Community Based Facility meets the mandate of this standard. A review of the Agency's Website confirmed the agency has established a Webpage that gives a link to process a third-party report of sexual abuse and sexual harassment by completing a "Request for Investigation." Interviews with random staff and random inmates confirmed allegations of sexual abuse and/or sexual harassment of inmates could be reported by third party to include family, friends, etc. Informational bulletins and posters are located throughout the facility for staff and inmate review. The information is included in the PREA brochures and posted PREA flyers available for review by inmates and staff.

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 offenders 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 offenders 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*)

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: State Law, Title 26, Chapter 14, Section 26-14-3 Mandatory Reporting: ADOC Incident Report: and Interviews with Random Staff: Random Inmates it is determined that Elba Community Based Facility meets the mandate of this standard. ADOC policies require all staff to immediately report and document sexual abuse and sexual harassment, including third-party and anonymous reports. Staff is prohibited from discussing information related to sexual abuse reports with anyone other than those directly involved. The Agency require medical and mental health staff to report sexual abuse and harassment pursuant to this standard. Inmates are provided with information on how to report allegations of sexual abuse and/or sexual harassment upon their arrival during the intake process. Random staff was also knowledgeable

of their responsibility to report and document all allegations immediately to their supervisor, ranking security supervisor or Warden. Staff interviewed also confirmed methods of reporting the allegations of sexual abuse and/or sexual harassment privately and not sharing information reported with those who have no need to know. Medical staff informs the inmate of their duty to report and limits to confidentiality during the initial medical screening process.

Elba Community Based Facility does not house offenders under the age of 18. ADOC Policy states, if the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

Interviews with investigative staff, and Warden confirmed all allegations of sexual abuse and sexual harassment including those from third-party and anonymous sources are reported directly to the Intelligence and Investigations Division.

Standard 115.62: Agency protection duties

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

115.62 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Sexual Harassment it is determined that Elba Community Based Facility meets the mandate of this standard. Policies and the PREA training delivered to staff outline the immediate steps that are to be taken to protect offenders with a substantial risk of sexual abuse. PREA Immediate Response Procedure cards are given to all staff and clearly states the first duty is to separate and isolate potential victims, abusers or witnesses. All interviews with random staff confirmed that when staff becomes aware of an inmate being subjected to a

substantial risk of imminent sexual abuse, the inmate would be immediately removed from the area of potential threat. Each case is evaluated by the facility and investigative staff Based upon the nature of the report to ensure the safety of the inmates. Precautionary measures may include increased supervisory rounds as appropriate and/or inmate at risk or potential predator may be moved to another housing unit. If no other options are available temporarily protective custody until other steps can be taken may be considered, the inmate may be transferred to one of the other ADOC facilities. There were zero inmates identified as subject to a substantial risk of imminent sexual abuse during the past 12 months at Elba Community Based Facility.

Standard 115.63: Reporting to other confinement facilities

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

115.63 (a)

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

115.63 (b)

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

115.63 (c)

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

115.63 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does

not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: Example of ADOC Form 454-F Reporting to Other Confinement Facilities: Interviews with Warden, I&I Investigator and IPCM, it is determined that Elba Community Based Facility meets the mandate of this standard. Elba Community Based Facility has policies and procedures in place to ensure upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Warden of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. This notification shall occur as soon as possible, but no later than 72 hours upon becoming aware. The facility in which the allegation of sexual abuse and/or sexual harassment occurred is responsible for ensuring the allegation is investigated in accordance with these standards. Notification is made electronically by the Warden of one institution to the Warden of the other institution. There were zero allegations reported to or from Elba Community Based Facility in regards to a previous allegation of sexual abuse or sexual harassment in the past 12 months of the PREA audit. However, those interviewed articulated a clear understanding of compliance with this standard.

Standard 115.64: Staff first responder duties

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

115.64 (a)

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

115.64 (b)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: Form 302-A Incident Report: First Responder Checklist: Elba Community Based Facility Coordinated Response Protocol: Interviews with Random Staff, Warden, IPCM it is determined that Elba Community Based Facility meets the mandate of this standard. The PREA pocket card that outlines First Responder duties is issued to all staff. The Elba Community Based Facility Coordinated Response Protocol outlines the first responder's steps to separate the alleged victim and abuser: preserve and protect the crime scene: and request the alleged victim and alleged abuser take no action to destroy evidence. All staff to include volunteers, contractors, support staff, medical staff, and security personnel is considered first responders. The responding staff is to immediately notify their immediate supervisor. The Shift Supervisor will make further notifications. During interviews with random staff, contractors, higher and intermediate level supervisors and investigators, each articulated their knowledge and responsibility in steps to follow as a first responder If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff. A review of the curriculum for first responder training provided for staff confirmed the agency and facility consider this standard as a priority, and all staff are well knowledgeable of their responsibilities in preparation to serve as a first responder per the requirements of this standard. One staff served as a first responder at the facility. However, the incident reported was that of touching through clothing in addition to having occurred on a previous occasion.

Standard 115.65: Coordinated response

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

115.65 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment and SOP 454-3 Coordinated Response it is determined that Elba Community Based Facility meets the mandate of this standard. Policies and procedures ensure the facility has a developed written institutional plan to coordinate actions taken in response to an incident of sexual abuse. Staff first responders, medical and mental health practitioners, investigators, and facility leadership have designated roles. The facility plan dictates responding to an allegation of sexual abuse requires a coordinated effort between administrative staff: security staff, medical and mental health services and victim advocates or victim inmate representatives.

The Coordinated Response Plan coordinates the actions taken in response to an incident of sexual abuse among first responders, security, facility leadership, and victim advocates. A Checklist Form is utilized to ensure all steps are properly completed and appropriate notifications are made in a timely manner. Interviews with staff indicate they are aware of their specific responsibilities under this plan.

Standard 115.66: Preservation of ability to protect offenders 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 offenders pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? Yes No

115.66 (b)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with AR 454 Inmate Sexual Abuse and Harassment Elba Community Based Facility meets the mandate of this standard. Alabama is a "Right to Work" State and no Employee Union exists at the facility to represent the staff of the Elba Community Based Facility.

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 offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders 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 offenders 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 offenders or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by offenders 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 offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders 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 offenders, does such monitoring also include periodic status checks?
 Yes No

115.67 (e)

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

115.67 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment, and ADOC PREA Retaliation Checklist it is determined that Elba Community Based Facility meets the mandates of this standard. Elba Community Based Facility has policies and procedures in place to protect all inmates harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation. Policy states that Retaliation Monitoring will be conducted by the IPCM. However, the Captain also serves as a retaliation monitor for the facility. There was one inmate who reported an allegation of sexual abuse during the past 12 months of the audit. The inmate was transferred on the day the allegation was reported due to other circumstances. Documentation was provided by the IPCM of an electronic notification to the inmate's two day holdover facility and his newly designated ADOC facility. Documentation supported each facility was advised of the incident reported by the inmate and the monitoring requirement.

Interviews with the Associate Commissioner of Operations, ADOC PREA Director, Warden, Captain and IPCM confirmed inmates and staff are protected from retaliation from sexual abuse or sexual harassment allegations. The retaliation monitor conducts individual meetings with those being monitored at a minimum of 30 days intervals for 90 days and longer if needed. Each confirmed acknowledgment of retaliation monitoring requirements. If an inmate is released, monitoring will stop and if released to a community confinement facility monitoring will continue as needed.

There was zero staff that reported allegations of sexual abuse and/or sexual harassment. Any staff found to perform and/or participate in any form of retaliation would be held accountable for such actions to include disciplinary actions.

Standard 115.68: Post-allegation protective custody

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

115.68 (a)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with the review of: AR 454 Inmate Sexual Abuse and Sexual Harassment: Form 454-H PREA Post Allegation Protective Custody: Housing Designation Spreadsheet and Interview with Warden, it is determined Elba Community Based Facility meets the mandate of this standard. The ADOC, Elba Community Based Facility, does not have a Protective Custody housing unit or a segregation unit. If an inmate requires segregation or protective custody, they are transferred to another ADOC correctional facility to provide protection of an inmate who is alleged to have suffered sexual abuse is subject to the requirements of 115.43.

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*)

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of SOP 306 Evidence Protocol: AR 454 Inmate Sexual Abuse and Sexual Harassment: ADOC Investigative Report: Investigative Outcome/Disposition: Investigative Review Team Minutes, and Interview with I&I Investigator it is determined that Elba Community Based Facility meets the mandate of this standard. An interview was conducted with an I&I Investigator. No closed files were available for review as the one reported allegation of sexual abuse was still pending closure. The I&I Investigator indicated during interview each investigator follow a uniform evidence protocol during the investigations of sexual abuse and sexual harassments. Sexual abuse investigations are conducted by investigators who have been specially trained in sexual abuse investigation and training documentation was provided to the auditor. The investigative process was articulated by the I&I Investigator interviewed during the site visit.

The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and not determined by the person's status as inmate or staff and a preponderance of evidence is enough to substantiate an investigation. Inmates who allege sexual abuse are not required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an allegation. Additionally, the departure of the alleged abuser or victim from the employment or control of the facility or agency does not provide a basis for terminating an investigation. The investigation is continued that when a victim who alleges sexual abuse or sexual harassment or an alleged abuser leaves the facility prior to a completed investigation of the alleged incident. Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse: and are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. An interview with an I&I Investigator, confirmed criminal investigations are documented. He confirmed substantiated allegations of conduct that appears to be criminal are referred for prosecution.

Elba Community Based Facility retains all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years and per the Records Retention Schedule. I&I are responsible for all administrative and criminal investigations when staff are involved.

Standard 115.72: Evidentiary standard for administrative investigations

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

115.72 (a)

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

Auditor Overall Compliance Determination

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

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment it is determined that Elba Community Based Facility meets the mandate of this standard. Policies and procedures are in place to ensure the facility imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. The "preponderance of the evidence" means that more than 50% of the evidence supports the allegation which is determined during administrative investigations. An interview with the I&I Investigator, confirmed criminal cases are referred for possible prosecution when evidence provided is determined to be that beyond a reasonable doubt. The I&I Investigator confirmed he also conduct administrative investigations.

Standard 115.73: Reporting to offenders

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

115.73 (a)

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

115.73 (b)

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

115.73 (c)

- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate's unit? Yes No
- Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate

has been released from custody, does the agency subsequently inform the inmate whenever:
The staff member is no longer employed at the facility? Yes No

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

115.73 (d)

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

115.73 (e)

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

115.73 (f)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

The narrative below must include a comprehensive discussion of all the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's

conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: Review of a Non-Complete PREA Status Notification of Investigative Outcome: Sexual Abuse Incident Review and Interviews with I&I Investigator and IPCM, Elba Community Based Facility meets the mandate of this standard. The I&I Division has a process in place to notify the inmate upon close out of the investigation of the finding of substantiated, unsubstantiated, or unfounded. All notifications will be in writing and documented. There were only one incident reported for an allegation of sexual abuse during the past 12 months of the audit cycle and this investigation remained in pending status during the audit process. An inmate reported sexual abuse by touching through clothing. The I&I Investigator and IPCM articulated the delivery of notification process during the interview process.

The IPCM notifies the inmate on the outcome of the investigation. An inmate who makes allegations that the sexual abuse was perpetrated by a staff member shall be notified of the status of the staff member in writing by the IPCM to include whether the staff member is no longer posted to the inmate's unit, the staff member is no longer employed at the facility, the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility, and/or the agency learns the staff member has been convicted on a charge related to sexual abuse within the facility. If the allegation was sexual abuse by another inmate, I&I informs the inmate whether the alleged abuser has been indicted on a charge related to sexual abuse within the facility and/or convicted on a charge related to sexual abuse within the facility.

DISCIPLINE

Standard 115.76: Disciplinary sanctions for staff

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

115.76 (a)

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

115.76 (b)

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

115.76 (c)

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

115.76 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454, Inmate Sexual Abuse and Harassment; AR 208-39 Disciplinary Sanctions for Sexual Misconduct (Staff); Incident Report it is determined that Elba Community Based Facility meets the mandate of this standard. The policies address disciplinary sanctions of employees up to removal for PREA related issues. The employee manual provided to all employees explains the disciplinary process to them. Staff interviews revealed an awareness of the Agency's zero tolerance policy as it pertains to sexual abuse and sexual harassment. If the employee has engaged in any conduct related to PREA allegations, they shall be disqualified for promotion. Employees shall be subject to disciplinary sanctions up to and including termination for violating sexual abuse or sexual harassment policies, as detailed in AR 208, Employee Standards of Conduct and Discipline. There were zero staff who received corrective action (discipline) for violation of sexual misconduct with inmates in the past 12 months of the PREA audit.

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 offenders? 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 offenders? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: Volunteer and Contractor PREA Training Acknowledgement; Interviews with Warden, Associate Commissioner of Operations, it is determined that Elba Community Based Facility meets the mandate of this standard. ADOC has a zero tolerance involving sexual abuse and sexual harassment of inmates by contractors and volunteers. Per the Warden and Associate Commissioner of Operations, volunteers and/or contractors pending an investigation of sexual abuse/sexual harassment of an inmate would immediately be denied entry into all ADOC facilities until cleared of the investigation. The policies outline criminal actions taken in the event a volunteer or contractor sexual abuses or participates in sexual harassment. These policies also require that contractors or volunteers who commit the prohibited act of engaging in sexual abuse are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The I&I Division shall refer all substantiated criminal cases to the local District Attorney's office and will be available, as requested, to

work with those authorities to support criminal prosecution of those cases. Contract and volunteer staff were aware of the Agency's policy during the interview process.

Standard 115.78: Disciplinary sanctions for offenders

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 offenders 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 offenders 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)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: Inmate Handbook: it is determined that Elba Community Based Facility meets the mandate of this standard. The Agency outline disciplinary sanctions that may be imposed on inmates who engage in sexual abuse and sexual harassment. Disciplinary action may be taken when an investigation by the IPCM and/or I&I Investigator determines that an inmate made a false report of sexual abuse or sexual harassment. However, an inmate reporting sexual abuse or sexual harassment shall not be issued a disciplinary report for lying Based solely on the fact that their allegations were unfounded or that the inmate later decides to withdraw his allegation. Inmates are only disciplined for sexual relations with staff in cases where it is determined to be without consent from staff. According to interviews with the Warden, Investigative Staff, inmates that engage in sexual abuse or harassment receive an incident report.

Mental health referrals would be made by the IPCM for inmates who reported allegations of sexual abuse and sexual harassment to ensure inmate counseling and mental health treatment is provided to victims and aggressors by mental health professionals. These mental health services would be provided by mental health staff at Easterling Correctional Facility. There were zero inmates who received disciplinary action or criminal findings that inmates committed sexual abuse in the past 12 months of the audit.

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 offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? Yes No

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with review of AR 454 Inmate Sexual Abuse and Harassment: PREA Risk Assessment: PREA Risk Re-Assessment: PREA Log for Mental Health Referrals it is determined that Elba Community Based Facility meets the mandate of this standard. Staff responsible for risk screening confirmed if a screening indicates that an inmate previously was a victim, he is referred to medical and mental health and seen within 14 days of the assessment.

Elba Community Based Facility has policies and procedures in place to ensure any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security and management decisions, including housing, bed, work, education, program assignments, or as otherwise required by Federal, State, or local law. 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.

Standard 115.82: Access to emergency medical and mental health services

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

115.82 (a)

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

115.82 (b)

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

115.82 (c)

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

115.82 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Offenders Sexual Abuse and Harassment: PREA Coordinated Response Protocol: MOU with Alabama Coalition Against Rape and Lighthouse Counseling Center, Inc. STAR, it is determined that Elba Community Based Facility meets the mandates of this standard. Policies and procedures are in place to ensure compliance of allowing offenders access to emergency medical and mental health services. Policy outlines procedures staffs are required to implement in providing timely, unimpeded access to medical treatment, and crisis intervention services to the degree determined by medical and mental health practitioners Based on their professional judgment. The inmate will be provided minor first aid by qualified medical staff at the Agency in a manner that would not compromise the forensic examination.

All security and non-security staff have received first responder training in taking the preliminary steps to protect the victim pursuant to standard 115.62 and shall immediately notify the appropriate medical and mental health practitioners. Elba Community Based Facility only has a roving medical team assigned to visit the facility who is officially assigned to Kilby Correctional Facility to conducted limited medical services. Inmates are transported to Easterling Correctional Facility for all mental health services and medical care. The inmate would be seen immediately for medical treatment. The inmate victims of sexual abuse will be offered timely access to sexually transmitted prophylaxis in accordance with medical standards of care that is medically approved. Services of medical and mental health treatment will be provided to the victim without any financial cost regardless if the victim identify the abuser or cooperate during any investigation that may result from the incident. There were zero reports of needed access to emergency medical and mental health services in regards to sexual abuse allegations in the past 12 months of the audit.

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 offenders 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.) 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.) Yes No NA

115.83 (f)

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

115.83 (g)

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

115.83 (h)

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

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

Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment it is determined that Elba Community Based Facility meets the mandate of this standard. Elba Community Based Facility has policies and procedures in place to ensure the facility offers medical and mental health evaluation and appropriate treatment to offenders who have been victimized by sexual abuse in a correctional confinement facility. Interviews with the IPCM, mental health and medical staff officially assigned to other ADOC facilities confirmed that the evaluation and treatment of victims includes as needed, follow-up service, treatment plans and referral for continued care following their transfer to or placement in other facilities or the victim's release from custody. Victims who report allegations of sexual abuse will be provided with medical and mental health services consistent with the community level care. The inmate victims of sexual abuse are offered tests for sexually transmitted infections as medically appropriate. All treatment of services in regards to the sexual abuse occurring at Elba Community Based Facility will be without cost to the victims. This includes whether or not the victim identifies his abuser or refuse to cooperate with any investigation that may arise out of the incident. Elba Community Based Facility does not house female inmates. Inmates designated at Elba Community Based Facility are transported to Easterling Correctional Facility for treatment by medical and mental health. There were zero allegations reported within the past 12 months of the audit that required ongoing medical and mental health care for sexual abuse victims and/or abusers.

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 IPCM? Yes No

115.86 (e)

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

Auditor Overall Compliance Determination

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

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment and PREA Sexual Abuse Incident Review it is determined that Elba Community Based Facility meets the mandate of this standard. ADOC policy requires a sexual abuse incident review must be conducted within 30 days of the conclusion of every sexual abuse investigations, unless the allegation is determined to be unfounded. Interview with the Warden indicated the facility would implement recommendations that result from the review, or document the reasons for not making the implementations. There was one allegation reported for violation of sexual abuse within the past 12 months of the audit. The incident remained pending during the audit process and was not available for review by the auditors. However, the Warden, Captain and IPCM articulated their responsibilities and requirements under this standard as a member of the incident review team.

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 offenders? (N/A if agency does not contract for the confinement of its offenders.) Yes No NA

115.87 (f)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of AR 454 Inmate Sexual Abuse and Harassment: PREA Annual Report, and Survey of Sexual Violence (SSV) survey, Elba Community Based Facility meets the mandate of this standard. The Agency collects accurate, uniform data for every allegation of sexual abuse at the facility using a standardized instrument and set of definitions, and aggregates the incident-Based sexual abuse data at least annually. The data collected is Based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. ADOC reviews and collects data as needed from all available documents, including reports, investigation files, and sexual abuse incident reviews. The ADOC does not contract its inmates to other facilities. ADOC provides all data from the previous calendar year to the Department of Justice upon request.

Standard 115.88: Data review for corrective action

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

115.88 (a)

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

115.88 (b)

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

115.88 (c)

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

115.88 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of the ADOC Agency Website: PREA Annual Report it was determined The Agency meets the mandate of this standard. The agency's policy requires the PREA Analyst to prepare and aggregate data collected throughout the agency. Each year an annual report is prepared that includes all identified noted problems within each facility while applying corrective actions for each area identified throughout the agency as a whole. The annual report includes a comparison of the current year's data and corrective actions with prior years and provides an assessment of progress in addressing sexual abuse. A review of the annual reports confirmed no personal identifiers are included in the report prior to publishing on the agency website. The ADOC Annual Report on Sexual Victimization is posted on the Agency's website and available for review at <http://www.doc.alabama.gov>.

Standard 115.89: Data storage, publication, and destruction

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

115.89 (a)

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

115.89 (b)

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

115.89 (c)

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

115.89 (d)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

In accordance with a review of ADOC PREA Annual Report; ADOC PREA Website, the ADOC meets the mandate of this standard. ADOC policies require the agency to prepare an annual report. Problem areas of concern and corrective actions are included in the annual reports for each facility throughout the Agency. A comparison of the current year's data and corrective actions with those from prior years, and provides an assessment of progress in addressing sexual abuse. The referenced data shall be retained securely for ten (10) years. Criminal and administrative investigation records shall be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years. The Agency ensures all personal identifiers are removed before publishing the reports. The annual report is posted on the ADOC website at <http://www.doc.alabama.gov> for review by the public.

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 offenders, offenders, and detainees? Yes No

115.401 (n)

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

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency did ensure that each facility operated by the agency was audited at least once. The Agency began conducting the second audit cycle in 2017. There were 9 facilities audited during 2017 which was a third of their correctional facilities. During 2018, which is the second year of the Agency's audit cycle, 15 facilities have been audited thus far, which exceeds more than the required one third of the Agency's facilities. However, the final report is pending completion for some of these facilities.

The PREA auditing team was given access and the opportunity to tour and visit all areas of the facility. The auditors were given access to tour the full facility and were provided offices that ensured privacy in conducting interviews with Inmates and staff. An interview with staff assigned to monitor offender's mail, confirmed inmates were permitted to send confidential information or correspondence to the

auditor as all outgoing mail is sealed. The auditors did not receive any correspondence from the inmate population.

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 within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) Yes No NA

Auditor Overall Compliance Determination

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

Instructions for Overall Compliance Determination Narrative

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

The ADOC website, www.doc.state.al.us/prea, confirms that the agency ensures that the auditor's final report is published on the state website. The ADOC PREA website confirmed PREA audits were completed at 15 Correctional Facilities and 13 Work Centers in 2016 and a total of 19 PREA audits were conducted in 2017. The Agency has completed 15 audits thus far in 2018; however numerous final reports are pending. The ADOC has district offices in four different regions with the most recent audit appearing on the website in 2017, and was posted well within the 90-day requirement. ADOC meets the mandate of this standard.

AUDITOR CERTIFICATION

I certify that:

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

Auditor Instructions:

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.¹ Auditors are not permitted to submit audit reports that have been scanned.² See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Debra Dawson

July 31, 2018

Auditor Signature

Date

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

² See *PREA Auditor Handbook*, Version 1.0, August 2017: Pages 68-69.