

PREA Facility Audit Report: Final

Name of Facility: William E. Donaldson Correctional Facility

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 03/17/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Darla P. O'Connor	Date of Signature: 03/17/2023

AUDITOR INFORMATION	
Auditor name:	O'Connor, Darla
Email:	darla@preaauditing.com
Start Date of On-Site Audit:	02/06/2023
End Date of On-Site Audit:	02/08/2023

FACILITY INFORMATION	
Facility name:	William E. Donaldson Correctional Facility
Facility physical address:	100 Warrior Lane, Bessemer, Alabama - 35023
Facility mailing address:	

Primary Contact	
Name:	Captain Todd Wheat
Email Address:	todd.wheat@doc.alabama.gov
Telephone Number:	2054363681

Warden/Jail Administrator/Sheriff/Director	
Name:	Warden II Phyllis Morgan
Email Address:	phyllis.morgan@doc.alabama.gov
Telephone Number:	2054363681

Facility PREA Compliance Manager	
Name:	Todd Wheat
Email Address:	todd.wheat@doc.alabama.gov
Telephone Number:	O: 205.612.3491

Facility Health Service Administrator On-site	
Name:	Michelle Bessette
Email Address:	michelle.bessette@wexfordhealth.com
Telephone Number:	2054363681

Facility Characteristics	
Designed facility capacity:	992
Current population of facility:	1362
Average daily population for the past 12 months:	1350
Has the facility been over capacity at any point in the past 12 months?	Yes
Which population(s) does the facility hold?	Males
Age range of population:	18-103
Facility security levels/inmate custody levels:	Level V
Does the facility hold youthful inmates?	Yes
Number of staff currently employed at the facility who may have contact with inmates:	150
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	225
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	225

AGENCY INFORMATION	
Name of agency:	Alabama Department of Corrections
Governing authority or parent agency (if applicable):	
Physical Address:	301 South Ripley Street, Montgomery, Alabama - 301501
Mailing Address:	
Telephone number:	

Agency Chief Executive Officer Information:	
Name:	
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information			
Name:	Christy Slauson-Vincent	Email Address:	christy.vincent@doc.alabama.gov

SUMMARY OF AUDIT FINDINGS	
<p>The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.</p> <p>Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.</p>	
Number of standards exceeded:	
2	<ul style="list-style-type: none"> • 115.64 - Staff first responder duties • 115.67 - Agency protection against retaliation
Number of standards met:	
43	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-02-06
2. End date of the onsite portion of the audit:	2023-02-08

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Just Detention International Alabama Coalition Against Rape Crisis Center, Inc.

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	992
15. Average daily population for the past 12 months:	1350
16. Number of inmate/resident/detainee housing units:	7

<p>17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)</p>
------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit

<p>36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:</p>	<p style="text-align: center;">1342</p>
<p>37. Enter the total number of youthful inmates or youthful/juvenile detainees in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">0</p>
<p>38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">31</p>
<p>39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">0</p>
<p>40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:</p>	<p style="text-align: center;">6</p>

41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	8
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	1
43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	0
44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	4
45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	21
46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	21
47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0

<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>The institutional count the first day of the on-site audit was 1,342. For a facility with a population of 1,342, the PREA Auditor Handbook indicates that a minimum of twenty targeted inmate interviews are required. Twenty inmates from targeted groups were interviewed.</p> <p>At the beginning of each interview the Auditor made clear to the inmate why she was at the facility, what her role was in the PREA process and explained why interviews were needed. The Auditor also discussed the inmate’s participation as voluntary and while helpful, was not required or mandated in any way. The Auditor then asked if the inmate wanted to participate and if so, could she ask a few questions. The Auditor would then ask the appropriate protocol questions.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>150</p>
<p>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>225</p>
<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>225</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>The vast majority of volunteers, when being utilized, work in a religious services capacity. The contractors are primarily medical/mental health staff and educational staff.</p>

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:

20

54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)

- Age
- Race
- Ethnicity (e.g., Hispanic, Non-Hispanic)
- Length of time in the facility
- Housing assignment
- Gender
- Other
- None

55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?

The institutional count the first day of the on-site audit was 1,352. According to the Auditor Handbook with a population of 1,352, the auditor shall interview a minimum of 20 random inmates and 20 targeted inmates. Twenty random inmates were interviewed. These were inmates that were not part of the targeted inmate interviews. The Auditor used the alphabetical housing unit rosters of inmates to randomly select inmates from various age groups, ethnicities, and races. The Auditor randomly chose inmates to interview, ensuring diversity in age and race. During the on-site tour, the Auditor had several conversational encounters with inmates regarding sexual safety, including education, reporting, communication, responses, etc. This information was used to supplement the overall audit information gathering process.

A total of twenty formal random inmate interviews were conducted.

As a result of the audit notice posting the Auditor received zero letters from inmates. At the beginning of each interview the Auditor made clear to the inmate why she was at the facility, what her role was in the PREA process and explained why interviews were needed. The Auditor also discussed the inmate's participation as voluntary and while helpful, was not required or mandated in any way. The Auditor then asked if the inmate wanted to participate and if so, could she ask a few questions. The Auditor would then ask the protocol questions.

All random inmates willing participated in the interview process. All responses were recorded by hand.

During the random interviews, no PREA issues were revealed, no other interview protocols were accessed. All random inmates responded they were aware of the zero-tolerance policy, they knew how to report an incident, they felt they could report anonymously, they knew they had a right to be free from retaliation.

56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?	<input checked="" type="radio"/> Yes <input type="radio"/> No
57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	<p>According to the PREA Auditor Handbook, the auditor was required to conduct a minimum of twenty random inmate interviews. The Auditor interviewed twenty random inmates.</p>
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	<p style="text-align: center;">20</p>
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
59. Enter the total number of interviews conducted with youthful inmates or youthful/juvenile detainees using the "Youthful Inmates" protocol:	<p style="text-align: center;">0</p>
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/detainees in this category:	<input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/detainees. <input type="checkbox"/> The inmates/detainees in this targeted category declined to be interviewed.

<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/detainees).</p>	<p>During the tour of the facility the Auditor did not observe any youthful inmates. When reviewing the master roster of all assigned inmate, no inmates were listed with a birthday prior to 2005.</p>
<p>60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>2</p>
<p>61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Medical and mental health staff confirmed their were no inmates assigned to the facility with cognitive impairment.</p>
<p>62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>2</p>

<p>63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>3</p>
<p>64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:</p>	<p>1</p>
<p>65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>During the interview process, intake and classification staff , indicated that inmates rarely self report to be gay or bisexual. And other than self reporting, they do not have a mechanism in place to track this information.</p>
<p>66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:</p>	<p>2</p>

<p>67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:</p>	<p>5</p>
<p>68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:</p>	<p>5</p>
<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>During the facility tour, in conversations with segregation staff on duty, all of them reported they did not recall any inmates being place in segregation, voluntarily or involuntarily, as a result of a PREA allegation or investigation. At the time of the facility tour there were zero inmates in segregation as a result of a PREA incident.</p>

<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>The Auditor requested and received a roster of inmates who fell into the targeted categories. The Auditor randomly chose inmates from each applicable category to interview, ensuring diversity in age and race. Once selected each inmate was put on “call-out” with a time to report to the private space designated for interviews.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Staff, Volunteer, and Contractor Interviews

Random Staff Interviews

<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>15</p>
<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input checked="" type="checkbox"/> Length of tenure in the facility</p> <p><input checked="" type="checkbox"/> Shift assignment</p> <p><input checked="" type="checkbox"/> Work assignment</p> <p><input checked="" type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>There were no problems in selecting random staff. Random staff were selected from the staff roster, who were available during the on-site audit and were also not a staff member interviewed as a specialized staff.</p>

Specialized Staff, Volunteers, and Contractor Interviews

Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.

75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):	21
76. Were you able to interview the Agency Head?	<input checked="" type="radio"/> Yes <input type="radio"/> No
77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	<input checked="" type="radio"/> Yes <input type="radio"/> No
78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff

	<input checked="" type="checkbox"/> Intake staff <input checked="" type="checkbox"/> Other
If "Other," provide additional specialized staff roles interviewed:	Classification Staff and Mailroom Staff
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	1
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	1

<p>b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)</p>	<p><input type="checkbox"/> Security/detention</p> <p><input checked="" type="checkbox"/> Education/programming</p> <p><input type="checkbox"/> Medical/dental</p> <p><input type="checkbox"/> Food service</p> <p><input type="checkbox"/> Maintenance/construction</p> <p><input type="checkbox"/> Other</p>
--------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>83. Provide any additional comments regarding selecting or interviewing specialized staff.</p>	<p>There were no problems in selecting random staff. Random staff were selected from the staff roster, who were available during the on-site audit who were also not a staff member interviewed as a specialized staff.</p>
----------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

<p>84. Did you have access to all areas of the facility?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
---------------------------------------------------------------------	-----------------------------------------------------------------------------

Was the site review an active, inquiring process that included the following:

<p>85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>88. Informal conversations with staff during the site review (encouraged, not required)?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>

89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).

Douglas Correctional Facility is an all-male facility located in rural northern Alabama. It is located at 100 Warrior Lane, Bessemer, AL. The security levels range from community to level 5 to life custody. The average length of stay for adult inmates is 20 years. The facility does house youthful inmates; however there were zero youthful offenders assigned to the facility at the time of the on-site audit. The age range of inmates reported on the Pre-Audit Questionnaire (PAQ) was 18-103. The capacity of the facility is 992. The population on day one of the audit was 1,352. The facility is frequently over capacity and has averaged 1,350 inmates during the past twelve months.

The PAQ indicates the facility has three buildings. Much of the facility is under one roof with two additional buildings behind the main building. The facility has a mixture of types of housing units. They are single person cells, multi-person cells and open bay dormitories. Most housing units are general population, but serve different functions. The IPCM stated the housing units were divided as follows:

Units A, B and C are for general population

Unit D is the overage dorm

Units E, F, G, H, I and J are for restrictive housing

Units K is for PREA designated victim dorms

Units L and M are the Faith/Honor dorm

Unit N and O are for general population

Unit P and Q are for youthful offender

Units R is for Residential Treatment inmates

Unit S is for Residential Treatment although

S-1 through S-12 are crisis cells

Units T and U are for resident treatment

Unit V is the structured living unit

Unit X is for mental health population (1-man cells)

Unit Y is for mental health general population (2-man cells)

Unit Z is the Infirmary

Units K, L, M, N and O are open bay dormitories. Each open bay dormitories have bathrooms on the back wall. They have

communal showers with separate sinks and toilets. The cells had toilets and sinks in them with separate single shower stalls. All bathroom and showering areas were private with proper shower curtains to prevent opposite sex staff from viewing inmates. The facility has an inmate food service area with kitchen, dining room, steward office, inmate restroom, staff restroom, dish room, freezer, refrigeration, cooking area, serving line, barbershop, etc. A medical unit, mental health unit and administrative offices. Other areas of the facility which were toured were the chapel, gymnasium, laundry, classrooms and programming areas, shift office, visitation, hobby/crafts, canteen, strip search area, outside recreation, and barber shop. During the facility tour, the Auditor observed appropriate PREA signage, including the Pre-Audit Notice. Additionally during the facility tour the Auditor looked for appropriate facility lay-out, bathroom privacy, blind spots, placement of cameras, security staff to inmate ratio in housing units and on work assignments. The facility has sufficient camera coverage which was made more robust by security mirrors enhancing inmate supervision. Low staffing is a consistent problem for the Alabama Department of Corrections statewide. According to the IPCM the facility has been allotted 593 security positions and has 129 currently filled. The facility is allotted 60 support positions and have 21 filled. The Auditor was given unimpeded and complete access to all areas of the facility.

Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?

Yes

No

91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).

Personnel and Training Files:

The PAQ reflects 150 facility staff. There was a total of fifty record reviews conducted on staff from various categories. The records were selected by randomly choosing the records of new hires, newly promoted employees and seasoned employees.

All records contained the required documentation, i.e., initial criminal history check, administrative adjudication, initial PREA education with acknowledgment form signed, PREA annual training and five-year criminal history check, when applicable.

Inmate Records:

There were fifty inmate records, chosen randomly from the master roster, with varying arrival dates. All records had a signed acknowledgment sheet, had received PREA information and viewed the PREA video. All inmates had received PREA information during intake, had their PREA screening within 72 hours of admission, and had comprehensive PREA education within 30-days of intake. Finally, they were reassessed within thirty days of their initial 72-hour assessment. Four transgender inmates were re-assessed twice a year as required by PREA standards.

Sexual Abuse and Sexual Harassment Allegations:

According to the PAQ, the facility reported twenty-three allegations of sexual abuse and sexual harassment in the past twelve months. The Auditor was provided the PREA files for all incidents.

Both files were reviewed using the PREA audit investigative records review tool to record the following information relative to each investigative report:

- Case# / ID
- Date of Allegation
- Date of Investigation
- Staff-or-Inmate-on-Inmate
- Sexual Abuse or Sexual Harassment
- Final Disposition
- Is Disposition Justified?

- Investigating Officers
- Notice Given to Inmate

Investigation Files:

The PAQ reflects there were twenty-three allegations of sexual abuse or sexual harassment in the past twelve months. One was staff-on-inmate sexual harassment allegation that was investigated criminally.

After investigation this allegation was deemed to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment.

The remaining twenty-two were inmate-on-inmate. Of the twenty-two inmate-on-inmate allegations, one was for sexual harassment and twenty-one were for sexual abuse. The sexual harassment was investigated administratively and determined to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. Of the remaining twenty-one inmate on inmate sexual abuse allegations all were investigated criminally. After investigation one was deemed substantiated, one was deemed unfounded, thirteen were deemed unsubstantiated and six remained open, awaiting DNA results. Eight were referred for prosecution, six of which were referred for prosecution for physical assault. At the time of the audit, all prosecutions had been declined. Inmates had been notified in a timely fashion of the outcome of all completed investigations. Sexual Abuse Incident Reviews had been conducted on all completed sexual abuse investigations. The PAQ indicates there were nine forensic exams completed in the past twelve months. These exams took place at Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, and were conducted by SAFE/SANE personnel. This was confirmed by the IPCM as well as SANE personnel.

The institution staff I encountered were

accommodating. Their combined attitudes displayed a culture that is aware of the significance of sexual safety and view the responsibility to protect inmates and staff from sexual victimization as a priority.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

92. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	21	21	0	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	21	21	0	0

93. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	1	0	1	0
Staff-on-inmate sexual harassment	1	1	0	0
Total	2	1	1	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

Note: these counts should reflect where the investigation is currently (i.e., if a criminal investigation was referred for prosecution and resulted in a conviction, that investigation outcome should only appear in the count for “convicted.”) Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual abuse investigation files, as applicable to the facility type being audited.

94. Criminal SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	6	8	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	6	8	0	0	0

95. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	0	0	0	0

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term "inmate" in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

97. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	0	1	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	0	0	0	0

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:

21

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Inmate-on-inmate sexual abuse investigation files

<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>21</p>
------------------------------------------------------------------------------------------------------------------	-----------

<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
--------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
--------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Staff-on-inmate sexual abuse investigation files

<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>0</p>
-----------------------------------------------------------------------------------------------------------------	----------

<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
-------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
-------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Sexual Harassment Investigation Files Selected for Review

<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>2</p>
------------------------------------------------------------------------------------------------------	----------

<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>1</p>
-----------------------------------------------------------------------------------------------------------------------	----------

<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
-----------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
-------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Staff-on-inmate sexual harassment investigation files

111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	1
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	The facility staff provided the Auditor with the PREA files for each allegation in the past twelve months.

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.	<input type="radio"/> Yes <input checked="" type="radio"/> No
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------

Non-certified Support Staff

116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.

Yes

No

AUDITING ARRANGEMENTS AND COMPENSATION

121. Who paid you to conduct this audit?

The audited facility or its parent agency

My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)

A third-party auditing entity (e.g., accreditation body, consulting firm)

Other

Identify the name of the third-party auditing entity

PREA Auditors of America

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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

115.11	<p data-bbox="252 107 1372 197">Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</p> <p data-bbox="252 230 986 271">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 309 558 349">Auditor Discussion</p> <p data-bbox="252 383 633 423">Documentation Reviewed:</p> <ul data-bbox="331 488 1436 902" style="list-style-type: none"> • Pre-Audit Questionnaire (PAQ) and supporting documentation provided. • Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016 • ADOC Pamphlet, Inmate Awareness in English, and Spanish • ADOC Male Inmate Handbook, dated September 25, 2017 • ADOC Organizational Chart • ADOC, PREA Director Qualifications • ADOC, PREA Compliance Manager Qualifications and Training • Standard Operating Procedure (SOP) #454-1 <p data-bbox="252 936 675 976">Interviews with the following:</p> <ul data-bbox="331 1041 1026 1120" style="list-style-type: none"> • Institutional PREA Compliance Manager (IPCM) • Agency PREA Director (PD) <p data-bbox="252 1153 1452 1276">During the interview process, the IPCM indicated there was sufficient time to complete the required PREA responsibilities. It is evident the IPCM is knowledgeable of the expectations and responsibilities of the position.</p> <p data-bbox="252 1310 1465 1473">Through interviews with the agency PD and the IPCM, it was confirmed the IPCM has no other responsibilities other than to ensure the institutions compliance with the PREA standards and has the authority to make any changes needed to address PREA issues.</p> <p data-bbox="252 1507 435 1547">Provision (a)</p> <p data-bbox="252 1581 1473 1827">The agency has numerous policies and procedures relative to this provision. Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, Section II, p. 1, indicates a zero-tolerance policy against sexual abuse, harassment, and sexual misconduct. Any sexual conduct, whether inmate-on inmate or staff-on-inmate, whether consensual or coerced, is strictly prohibited.</p> <p data-bbox="252 1861 1473 2067">Section III of ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, and ADOC Male Inmate Handbook, dated September 25, 2017, lists the definitions describing prohibited behaviors in relation to sexual abuse and sexual harassment. Policy language is specific in providing the definitions of substantiated, unsubstantiated, and unfounded</p>
--------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

allegations, as well as associated sanctions.

Additionally, policy language outlines staff responsibilities, procedures for the prevention of, response to, and the reporting and investigation of sexual abuse and sexual harassment. The policy is consistent with the PREA standards.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 7, Section E, 1 - 10, identifies the roles and responsibilities of the agency PD, and relate directly to the implementation, management and monitoring of the ADOC's compliance with PREA Standards, including collaboration with the various levels of management ranging from the Warden/Director to the Associate Commissioner levels, as well as the collaboration with the ADOC Legal Division. The reviewed policy is consistent with the PREA Standards and outlines the agency's approach to sexual safety.

The ADOC PD is classified at the Director level as confirmed through a review of the agency organization chart. The PD has regular contact with the numerous facilities throughout the state through site visits, emails, and direct conversations with the twenty-six assigned Institutional PREA Compliance Managers (IPCM) who are assigned to various locations, as well as the twenty-six back-up IPCM's. These additional managers ensure the PD has sufficient coverage at each ADOC facility and allows her sufficient time to carry out her varied responsibilities and ensure PREA compliance.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, establishes, identifies, and outlines the roles and responsibilities of the IPCM, which includes the collaboration with various levels of institutional management. Further, it establishes and identifies the responsibilities and procedures for the IPCM to coordinate the institutions efforts to comply with PREA standards. Each of the reviewed policies is consistent with PREA standards and outlines the agency's approach to sexual safety.

The facility IPCM is under the supervision of the Investigation Division or OIG not the facility, which was confirmed by a review of the institutional organizational chart.

Conclusion

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses zero tolerance of sexual abuse and sexual harassment: PREA coordinator.

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Documentation Reviewed:</p> <ul style="list-style-type: none"> • Pre-Audit Questionnaire (PAQ) and supporting documentation provided. • Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016 • ADOC Contract with Alabama Therapeutic Education Facility (ATEF) <p>Interviews with the following:</p> <ul style="list-style-type: none"> • Agency Contract Administrator <p>During the interview process, the agency contract administrator confirmed all contracts to hold ADOC inmates, without exception have the PREA requirement as part of the agreement.</p> <p>Provision (a)</p> <p>Pre-Audit Questionnaire (PAQ) revealed there was one contract for the confinement of ADOC inmates.</p> <p>ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 7, Section D, states the ADOC general Counsel shall be responsible for ensuring that contracts for confinement of inmates include a provision indicating to the contracting entity its obligation to comply with the PREA standards and the ADOC’s monitoring of such compliance.</p> <p>ADOC Inmate Housing Agreement with Alabama Therapeutic Education Facility (ATEF) outlines the ATEF responsibility to adhere to the PREA standards. It states in part “pursuant to 28 C.F.R. Part 115.12, ATEF is obligated to adopt and comply with all PREA standards, and the ADOC shall monitor the ATEF for compliance.”</p> <p>ADOC Contract with Alabama Therapeutic Education Facility (ATEF), states, “Vendor (ATEF) shall comply with Alabama Code Section 14-11-31, as well as 28 C.F.R. Part 115, the Prison Rape Elimination Act (“PREA”). The ADOC has a Zero Tolerance Policy toward all forms of custodial sexual misconduct, sexual abuse, and sexual harassment. See Administrative Regulation 454, Inmate Sexual Assault and Harassment Awareness (Prison Rape Elimination Act (PREA)). Any type of conduct – including suspected conduct – that falls within the context of custodial sexual misconduct/sexual abuse, as defined by either the State or Federal laws referenced above, shall be reported immediately to the Warden of Kilby Correctional Facility or his/her designee for conduct involving male Inmates, or the Warden of Tutwiler Correctional Facility or his/her designee for conduct involving female Inmates, as well</p>

as the ADOC's PREA Director or designated PREA Contract Monitor. Pursuant to 28 C.F.R. Part 115.12, Vendor is obligated to adopt and comply with all PREA standards, and the ADOC shall monitor Vendor for compliance consistent with the compliance conditions set forth above. Vendor shall provide reasonable access to the PREA Contract Monitor; provide relevant documentation as requested; require and provide training of all of its employees, agents, or contractors; and provide a Report from any PREA audit, which shall be performed by an independent, DOJ certified auditor."

Provision (b)

See Provision (a) for details regarding this provision.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses contracting with other entities for the confinement of inmates.

115.13 Supervision and monitoring

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Form 454-J, Annual PREA Staffing Plan Review
- ADOC Form 454-G, Log of Unannounced Rounds
- Copies of Deviation Log
- Facility Blueprint/Layout
- Facility Vulnerability Assessment Form
- Facility Staffing Plan

Interviews with the following:

- Warden
- Institutional PREA Compliance Manager (IPCM)
- Intermediate-or-Higher Level Facility Staff
- Random Staff

Interviews with both the Warden and the IPCM indicated they both conduct random reviews of the staffing levels, how they affect the inmate programming, various classification amounts, as well as any changes or modifications to the video monitoring. They also review other concerns which include physical plant configuration, internal or external oversight bodies, inmate population composition, placement of supervisory staff, line-staff needs and any prevalence of substantiated or unsubstantiated incidents of sexual abuse. Additionally, the Warden stated during his regular staff meeting, staffing plan compliance and any deviations from the staffing plan is a frequent topic of discussion.

Through the interview process with the IPCM and reviewing the staffing plan, it was indicated the facility has 593 allotted full time Shift Uniform Officers positions at the facility. However, according to the PAQ there are currently only 150 Shift Uniform Officers with 21 new staff hired in the past twelve months. The facility is grossly understaffed. Due to the shortage of Shift Uniform Officer's assigned to the facility, the facility has created an alternate staffing plan, based on the current staff level as well as the current inmate level.

There was one interview conducted with intermediate or higher-level staff. The interviewee affirmed the staff are making unannounced rounds and documenting them. During random informal conversations with staff, the staff stated the supervisors conduct unannounced rounds and document them in the logbook. This was validated by the Auditor through a review of the logbook.

Through the interview process, it was indicated supervisors tour their units and areas regularly throughout each shift, converse with staff of all levels as well as inmates, and audit, review and sign logbooks or irregularities. During the time, the Auditor was on-site; managers and supervisors were observed walking and working in various capacities throughout the facility.

During interviews of random staff, each verbalized the prohibition of staff alerting each other when a supervisor is making unannounced rounds.

Provision (a)

Pre-Audit Questionnaire (PAQ) indicated the facility does have a staffing plan and it is reviewed at least annually.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, D, 1, indicated the Warden will assist in the development and will make his/her best effort to comply with the staffing plan. The plan will provide for adequate levels of staffing and where applicable, video monitoring to protect inmates against sexual abuse.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, D, 2, requires the PD to meet with the Warden annually to discuss the need for any adjustments that need to be made to the staffing plan, video monitoring systems and other monitoring technologies. This is documented on the ADOC Form 454-J, Annual PREA Staffing Plan Review.

The ADOC Form 454-J, Annual PREA Staffing Plan Review requires the staffing analysis to include:

- Generally accepted detention and correctional practices;
- ADOC and the facility determination of which duties will be handled by facility staff, ADOC staff or outside agencies;
- Any findings of inadequacy from any investigative agencies within ADOC;
- Any findings of inadequacy from internal or external oversight bodies
- The Camera Management Plan and all components of the facility's physical plant;
- The composition of the inmate population;
- The number and placement of supervisory staff;
- Institutional programming and options for supervision of inmates;
- Facility specific relief-factors
- Any applicable state or local laws, regulations, or standards; and
- The prevalence of substantiated or unsubstantiated incidents of sexual abuse and sexual harassment.

Further policy dictates the facility must ensure all relieved posts are staffed at the times specified in the staffing plan and all gender-restricted posts, if any, are posted by male staff only. When it is necessary to close a post(s) due to insufficient staffing, a decision must be approved by the Warden or Captain.

The Auditor reviewed the most recent annual PREA staffing plan. The plan was comprehensive and addressed each of the bullet items required according to Provision (a). On an annual basis, quality assurance audits are conducted to ensure compliance with the established staffing model. The staffing plan was predicated upon an inmate population of 992. The average daily number of inmates during the time of the audit was 1,342.

Provision (b)

The facility has established a staffing plan, which is predicated on the daily average of 992 inmates. In the event a mandatory post is vacant, the post is filled with overtime staff or staff re-directed from non-mandatory posts. It is the watch commander's responsibility to document these instances.

The PAQ, indicated the most common reason for deviations from the staffing plan in the past twelve months has been staff call ins.

The Auditor did not find any occurrence when inmate education was shut down due to limited staff coverage in the past twelve months. Contract workers provide education.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, Section D, requires the staffing plan review to be completed in consultation with the PREA Director (PD) and that the PD receive a copy of the PREA Compliant Staffing Plan. The Auditor requested and was provided a copy of the 2020 ADOC Form 454-J, Annual PREA Staffing Plan Review that was forwarded to the ADOC PD. The staffing plan reviews had been completed by the Warden as required. The reviews discussed the staffing plan, video monitoring and the resources required to adhere to the staffing plan.

Additionally, this policy requires that an internal audit of the staffing plan be conducted on an annual basis. This assessment is an extensive review of all areas of the facility to ensure adequate staffing levels are present where inmates may be present. Justification for the need for additional staff or modifications to the facility, to include the deployment of video monitoring equipment, is addressed by the committee on an annual basis. The annual review of the staffing plan includes facility and department management level staff which include the PD, Warden, IPCM, and Captain.

The facility has a minimum staffing requirement. In the event a mandatory post is vacant for whatever reason, the post is filled with overtime staff or staff redirected from non- mandatory posts. When it was necessary to close a post(s) due to insufficient staffing, the decision was approved by the Warden or Captain.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, C, mandates that intermediate level or higher-level supervisors conduct and document unannounced rounds on all shifts.

These rounds are documented on the Shift Report, including the date, time and person's name who made the rounds. In addition the ADOC Form 454-G, Log of Unannounced Rounds, is required to be completed for each shift and submitted to the IPCM. This report documents the required unannounced rounds and the PREA Hotline check conducted once per shift. The Auditor reviewed thirty days of these reports through the document review process. The Auditor also reviewed the Shift reports and noted consistent entries by supervisors on all shifts.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, C, indicates the staff are prohibited from alerting other staff when these rounds are occurring, barring legitimate operations of the facility.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility does meet every provision of the standard which addresses supervision and monitoring.

Recommendations:

In light of the grossly understaffed facility, the Auditor **STRONGLY RECOMMENDS** the facility/agency consider immediate movement on the two following steps:

1. Contract with a third-party company to conduct a staffing analysis/plan and a Recruiting and Retention Program.
2. Contract with a third-party company to provide Correctional Officer support until staffing levels are sufficient for the safety and security of the institution, inmates and staff.

115.14 Youthful inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016

Observations during on-site review:

During the facility tour the Auditor did not observe any youthful offenders.

Interviews with the following:

- Warden
- Institutional PREA Compliance Manager (IPCM)

During the interview process the Warden and IPCM confirmed the facility does house youthful offenders. However, at the time of the on-site audit there were zero youthful offenders assigned to the facility.

Provision (a)

The PAQ indicated the facility does house youthful offenders. The IPCM and the Warden confirmed this assertion. At the time of the on-site audit, there were zero youthful inmates assigned to the facility.

According to the PAQ, there is one housing units to which youthful inmates are assigned that provide sight and sound separation between youthful and adult offenders in dayrooms, common areas, showers, and sleeping quarters:

Provision (b)

According to the PAQ, the facility maintains sight, sound, and physical separation between youthful inmates and adult inmates in areas outside housing units.

Provision (c)

According to the PAQ, the facility documents the exigent circumstances for each instance in which youthful inmates' access to large-muscle exercise, legally required education services, and other programs and work opportunities was denied.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding

	youthful inmates.
--	-------------------

115.15 Limits to cross-gender viewing and searches

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Complete roster of facility inmates
- Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016
- ADOC Administrative Regulation #336
- ADOC Form 302-A Incident Report
- ADOC PREA Director Transgender Risk Assessment Memo, dated February 20, 2020,
- Training records for cross-gender and transgender searches

Observations during on-site review

During the facility tour, opposite gender staff were observed entering the housing units and announcements of their presence were made. The Auditor was also announced by staff when entering the inmate housing and restroom areas as she is the opposite gender.

Interviews with the following:

- Random Staff
- Random Inmates
- Targeted Inmates

During the interview process, random staff members were questioned about cross gender search practices. All staff confirmed completing the training specific to this and reported that cross gender strip searches or cross gender body cavity searches do not occur at the facility.

All staff interviewed reported opposite gender staff announcements are required when entering the housing units.

During the interview process, random staff indicated there are always sufficient male staff members available to conduct any searches needed, and that male staff would be diverted to address the issue if needed.

Each inmate interviewed stated opposite gender staff announce their presence before entering the bathroom area and wait a period after announcing before entering. Each inmate reported opposite gender staff announce their presence when entering the housing unit. All inmates interviewed confirmed they can dress without being viewed by staff of the opposite gender.

All staff members interviewed recalled having specific training and reported cross gender strip searches and cross gender body cavity searches do not occur at the facility. In addition, the interviewed staff indicated specifically that no searches are conducted for the sole purpose of identifying inmate genital status.

All inmates interviewed confirmed opposite gender staff do not conduct cross gender searches.

Provision (a)

The PAQ indicated the facility had zero cross-gender strip or cross-gender viewed body cavity searches in the past twelve months.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, Section E, 1, states that employees/ staff members shall not conduct cross-gender strip or visual cavity searches, except in exigent circumstances or by medical practitioners. The reviewed policy is consistent with the PREA standards.

ADOC Administrative Regulation #336, Operations, regarding Searches, dated February 8, 2016, p. 4, Section F, Number 3, states staff shall not conduct cross gender unclothed searches or cross gender visual body searches except in exigent circumstance. The reviewed policy is consistent with the PREA standards.

ADOC Administrative Regulation #336, Operations, regarding Searches, dated February 8, 2016, p. 5, Section F, Number 4, states all cross gender unclothed searches or cross gender visual body cavity searches shall be documented. The reviewed policy is consistent with the PREA standards.

A review of the staff training records confirmed all staff had been trained in cross gender searches.

Provision (b)

The facility is a male facility.

Provision (c)

ADOC Administrative Regulation #336, Operations, regarding Searches, dated February 8, 2016, p. 5, Number 4, indicates that all cross gender unclothed searches and cross gender visual body cavity searches be documented.

ADOC Administrative Regulation #336, Operations, regarding Searches, dated February 8, 2016, p. 6, Number 11, indicates that such searches are to be documented on the ADOC Form 302-A Incident Report. The reviewed policy is consistent with the PREA standards.

At the time of the on-site audit there were four transgender inmates assigned to the facility. The transgender inmates interviewed confirmed they had not had any inappropriate search experiences. Further they confirmed they had not been searched solely to determine genital status, nor had they been searched by opposite gender

staff.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, Section E, 3, states each ADOC facility shall implement procedures that enable inmates to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitals, except in exigent circumstances or when such viewing is incidental to routine cell and/or dorm checks. Such procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit. The reviewed policy is consistent with the PREA standards.

The facility has twelve single cell housing units, seven multiple occupancy cell housing units and five open bay dormitories. The facility has 212 segregation cells. All cells have a sink and toilet inside the cell with the shower stall being separate and outside the cell. Privacy in the showers was acceptable, as was the toilet inside the cell. The open bay dormitory housing units have communal bathrooms located on one side of the dormitory. In the communal bathrooms, privacy is acceptable and is such that it would be difficult for opposite sex staff to easily observe an inmate in the shower or on the toilet.

At the time of the on-site audit there were four transgender inmates assigned to the facility. The transgender inmates interviewed confirmed they were able to perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitals.

Provision (e)

ADOC Administrative Regulation #336, Operations, regarding Searches, dated February 8, 2016, p. 5, Number 6 indicates staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p.15, Section E, 4 indicates staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status.

At the time of the on-site audit there were four transgender inmates assigned to the facility. The transgender inmates interviewed confirmed staff had not searched or physically examined them for the sole purpose of determining the inmate's genital status.

Provision (f)

The Auditor reviewed PREA training documentation of 150 staff members that occurred in 2022. The Auditor verified each signature on the sign-in sheet correlated to an existing staff member, ensuring the staff had received the required training. All participants also signed their acknowledgment of all training materials. Training topics

included appropriate search techniques, specific to cross-gender pat searches and searches of transgender and intersex inmates. Additional training documents provided direction to staff on proper documentation practices when cross gender searches were conducted.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding limits to cross-gender viewing and searches.

115.16

Inmates with disabilities and inmates who are limited English proficient

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016
- ADOC MOU with Alabama Institute for the Deaf and Blind
- Inmate Receipt of PREA/Acknowledgment (Disabled, low-Vision and Deaf Only)
- Low Functioning Information/Materials Used
- Transcript explaining Google Translate

Observations of PREA poster locations during on-site tour of facility

During the tour, the Auditor observed the PREA posters were prominently displayed in each housing unit, work area, hallways, as well as numerous other areas throughout the facility in both English and Spanish. Additionally the IPCM had created PREA bulletin boards throughout the facility

Interviews with the following:

- Agency Head or Designee (Assistant Deputy Commissioner)
- Random Staff
- Institutional PREA Compliance Manager (IPCM)
- Inmates with disabilities or LEP

During the interview with the Assistant Deputy Commissioner, she shared the ADOC has established procedures to provide inmates with disabilities or inmates who are Limited English Proficient (LEP), the opportunity to participate in PREA reporting process through several avenues such as, Google Translate, staff interpreters, outside service providers via an MOU.

During the interview with the IPCM, it was indicated there have not been any instances in the past twelve months when an interpreter service was required.

Of the random staff interviewed, all recalled the process of how to utilize Google Translation for interpretation services. Most indicated that in the event translation is required, they would try to find a staff member to provide translation and then

contact the shift supervisor before using Google Translate.

The Auditor interviewed physically disabled inmates, including hearing and vision impaired as well as cognitively disabled inmates. While the physical disabilities differed between the inmates, all reported they felt safe. They felt their needs were being met. The cognitively disabled inmates generally felt the staff was respectful toward them and were responsive to their needs. None of the inmates interviewed reported feeling vulnerable to sexual abuse or sexual harassment due to their disability.

Provision (a)

The PAQ indicated the ADOC has established procedures to provide disabled inmates and limited English proficient inmates with equal opportunity to participate in and benefit from all aspects of the agency's effort to prevent, detect and respond to sexual abuse and sexual harassment.

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, B, 1, c, states the IPCM shall provide all inmates accessible education formats if an inmate has special needs (language barriers, visually impaired, deaf, limited reading skills or otherwise disabled, and not rely on inmate for this service.

The ADOC has an existing Memorandum of Understanding (MOU) with the Alabama Institute for the Deaf and Blind for translation and assistance services for those effected inmates, as verified by the Auditor.

The facility can also utilize the Google Translate Services (<https://translate.google.com/>) to address any translation needs for the inmates of the facility. At the present time, Google Translate supports 103 different languages, and is available 24 hours a day, 7 days a week. Access to this service can be facilitated through the respective watch commander.

The Auditor was provided written documents, training materials, as well as PREA brochures, that are provided in both English and Spanish to the inmate population.

Provision (b)

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, B, 1, items a-d, denote numerous items relative to ensuring each inmate is given information in verbal and written form, and that all information regarding ADOC's PREA policy is understood by the inmate.

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, B, 2, items a - d, dictates inmate PREA education information will include: Prevention of sexual abuse and harassment; self-protection; methods of reporting; and treatment and counseling availability.

As mentioned in provision (a), the ADOC has an established MOU with the Alabama Institute for the Deaf and Blind. The facility also employs an ADA Coordinator who is charged with coordinating training and educational materials for all ADA inmates.

Provision (c)

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, B, 1, c, addresses the prohibition of using other inmates for translation services.

The ADOC requires that only professional interpreters or translation services, including sign language, are available to assist inmates in understanding PREA policy, how to report allegations, and/or participate in investigations of sexual misconduct. The policy advises inmates are not authorized to use interpretation/translation services from other inmates, family members or friends for these purposes.

The PAQ indicates in the past twelve months, zero inmate interpreters participated in PREA related situations.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding inmates with disabilities and inmates who are limited English proficient.

115.17 Hiring and promotion decisions

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016
- ADOC Administrative Regulation #216
- Personnel records review for current employees
- Employee background checks
- Application/Pre-Employment Questionnaire

Interviews with the following:

- Administrative (Human Resources) Staff

The Auditor interviewed the HR Director regarding hiring practices of the ADOC. The HR Director indicated:

- The ADOC requires background checks on all new hires, promotions, and existing staff every five years. The Divisional HR Department is responsible to track the due dates of all staff requiring their five-year criminal history check, ensuring they are completed as required.
- The ADOC has a centralized database that tracks the completion of all background checks and tracks the due dates of the five-year criminal history background check.
- Potential hires are required to fill out the personnel documents, which require the disclosure of the standard required items. The HR Director stated the ADOC takes a very active stance with the requirements of the PREA standards and have developed a very comprehensive system of tracking to ensure that all the required history checks are completed for pre-hires, promotions, and five-year reviews.
- During the interview process, the HR Director indicated that a condition of staff employment is that any arrest activity must be reported through the respective employer reporting structure. Additionally, any information on substantiated allegations of sexual abuse or sexual harassment involving a former employee must be provide up on request.

Provision (a)

The PAQ indicated the facility has 150 total staff with twenty-one new hires in the past twelve months. Further, they reported 225 contractors and 225 volunteers who

have contact with inmates.

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 12, V, A, 4, a, declares that ADOC agency policy prohibits the hiring or promotion of an employee or contractor who may have contact with inmates who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution;
2. Has been convicted of engaging or attempting to engage in sexual activity in the community, facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.

The Auditor reviewed a random sampling of staff records. Each of the records reviewed contained all items required by the standard, which included documentation and Criminal History Check information. The Auditor was able to verify all files reviewed contained all items required by the standard, including PREA documentation and verification of the completed criminal history checks.

Provision (b)

ADOC Administrative Regulation #216, regarding Background Investigations, dated December 7, 2015, p. 2, Section V, B, states the agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone or to enlist service of any contract, who may have contact with inmates.

The Auditor was provided and reviewed a current listing of all facility staff that reflected the dates of their last criminal background records check and their next scheduled five-year criminal check. All 150 staff members had a current criminal background records check completed within the past five years.

Provision (c)

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 12, V, 4, b, indicates that before hiring a new employee or contractor, the ADOC Personnel Division or designee shall:

1. Conduct a criminal background records check,
2. Make its best efforts to contact all prior institutional employers regarding substantiated allegations of sexual abuse or any resignation during a period of sexual abuse investigation;
3. Ask potential employees and contractors about previous misconduct described in Paragraph V, A, 4, a of this regulation: (refer to AR 216 Background Investigations and ADOC Form 216-B, PREA Compliance);

4. Apprise potential employees and contractors that false information or material omission regarding such misconduct shall be grounds for termination and that they have a continuing duty to disclose such conduct.

In the preceding twelve months there were twenty-one persons hired who may have contact with inmates who had a criminal background completed. The Auditor conducted a review of the criminal history checks. These records contained all items required by the standard, including the PREA documentation and verification of the completed criminal history checks.

Provision (d)

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 12, V, A, 4, b, (1), indicates that before hiring a new employee or contractor, the ADOC Personnel Division or designee shall conduct a criminal background record check.

The PAQ indicated there are 225 contractors and 225 volunteers who have contact with inmates.

Additionally, the PAQ indicated during the past twelve months there was one contract where criminal background record checks were conducted on staff covered in the contract who might have contact with inmates. Documentation indicating the contractors and volunteers have current criminal background history checks was provided to the auditor for review.

Provision (e)

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, V, A, 4, f, requires that the ADOC Personnel Director conduct a criminal background records check every five years on all current employees and contractors.

The Auditor conducted a review of the requested personnel records and verified all the records reviewed contained all items required by the standard, including the PREA documentation, verification of the completed criminal history checks, and the three questions listed under Provision (a).

Provision (f)

The Auditor reviewed form ADOC 216-B which is provided to all applicants to the ADOC. This form is the Prison Rape Elimination Act (PREA) Compliance that is required to be completed by all applicants. The form has several questions, as required in Provision (a) of this standard, related to whether the candidate has ever been accused, charged, or investigated for any type of sexual misconduct, inappropriate sexual activity, sexual abuse, or sexual harassment.

Provision (g)

The ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual

Abuse and Harassment, dated January 4, 2016, p. 13, V, A, 4, b, (2), states that before hiring a new employee or contractor the ADOC Personnel Division or designee shall, apprise the potential employee and contractor that false information or material omissions regarding such misconduct shall be ground for termination and that they have a continuing duty to disclose such conduct.

Provision (h)

Policy states unless prohibited by law, the ADOC will provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such an employee has applied to work. The HR Director confirmed this information.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding hiring and promotion decisions.

115.18 Upgrades to facilities and technologies

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016
- Facility Schematic (Blueprint/Layout of Facility)

Observations during on-site review

The Auditor conducted a comprehensive tour of the facility. Since the last audit there has not been any substantial expansions or additions to the facility. However, the video monitoring system had been update.

Interviews with the following:

- Agency Head or designee (Assistant Deputy Commissioner)
- Warden

The Auditor interviewed the Assistant Deputy Commissioner and the Warden, who both advised that any construction, renovation, or modification would be done with full consideration of all PREA standards. They both advised there are meetings that would be held regarding any building or construction considerations and that safety and cameras, or other technologies would be discussed and conserved at such meetings. During these meetings the executive staff would meet with all key supervisors and managers to discuss any pertinent issues, such as Data/Reporting issues, Grievances, Disciplinary Reviews, Video Summary Reviews, Use of Force Incidents, as well as the analysis of key data such as overtime, leave time morale, etc.

Provision (a)

The PAQ indicates, the facility has not acquired any new facilities or made substantial expansions or modifications to the existing facility since the last PREA audit.

Provision (b)

The PAQ indicates, the facility has installed or updated the video monitoring system, electronic surveillance system or other technology since the last PREA audit.

Executive staff agreed that cameras effectively help in security, as well as assist in mitigating and preventing sexual abuse and sexual harassment.

Conclusion:

<p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding upgrades to facility and technology.</p>

115.21

Evidence protocol and forensic medical examinations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Review:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- Alabama Department of Corrections (ADOC) Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016
- ADOC Administrative Regulation #300
- Memorandum of Understanding Between ADOC and ACAR
- Evidence Protocol/Investigations/Medical National Protocol for Sexual Assault Medical Forensic Examinations
- Specialized Training Certificates for Investigators
- SANE Centers/Rape Crisis Centers Regional List

Interviews with the following:

- Random Staff
- SAFE/SANE Staff
- Institutional PREA Compliance Manager (IPCM)

The Auditor interviewed random staff regarding the rules of evidence, and their understanding of the process should an inmate report alleged sexual abuse. All staff interviewed were able to articulate the basic preservation of evidence component of both victim and abuser. They were also able to explain their responsibilities up to the point when they transfer responsibility to either investigative or medical staff.

The Auditor conducted a telephone interview with a SAFE/SANE representative. The representative confirmed the exams are provided at no cost to the inmate and that all forensic services are provided when the inmate is presents at their agency. Forensic nurses (SAFE/SANE) are available twenty-four hours a day, seven days a week.

During the interview process the IPCM indicated in the past twelve months there have been nine inmates who have been transported for SAFE/SANE services.

During the interview process the IPCM indicated advocacy services are offered through contract and are built into the forensic exam process. The IPCM stated that all requirements of PREA have been incorporated into the contract. Prior to the examination, the inmate meets the victim advocate and arrangements are made to provide any necessary and/or requested counseling services. Follow-up counseling is coordinated through Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, in collaboration with mental health services.

Provision (a)

The PAQ indicated the facility/agency is responsible for conducting administrative and criminal investigations, including inmate-on-inmate sexual abuse and staff sexual misconduct. According to the PAQ, the ADOC has thirty-seven investigators who have been assigned to address any administrative or criminal investigations. The Institutional PREA Compliance Manager (IPCM) provides investigative assistance for those inmate-on- inmate sexual harassment administrative cases.

The ADOC has a uniform evidence protocol, as outline in ADOC Administrative Regulation #300, dated April 18, 2016, p. 1, Section II, which states the policy of the ADOC is to conduct all investigations in a fair and impartial manner, maintain confidentiality in all investigations, and protect the constitutional rights of all individuals subjected to investigation.

Provision (b)

The Auditor was able to speak with personnel at Crisis Center, Inc. Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, who advised they have a Sexual Assault Nurse Examiner facility offering exams 24 hours a day, 7 days a week. The SANE nurse performs the forensic examination, collects all evidence, and does a complete physical examination. Medications are given to help prevent transmission of disease. The exams are free of charge and are paid through the Alabama Crime Victim Compensation Fund. Further each inmate who has a SANE exam is assigned a Rape Response Advocate upon arrival, prior to the forensic examination taking place. The Auditor was advised in the past twelve-months there were nine forensic examinations. The IPCM confirmed this information.

Provision (c)

The PAQ indicates all treatment services are provided to the victim without financial cost.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, Section G, 3, c, indicated treatment services shall be provided to the victim without financial cost and regardless of if the victim names the abuser or cooperates with an investigation arising out of the incident.

The Auditor was provided with a Memorandum of Understanding (MOU) between the ADOC and the Alabama Coalition Against Rape (ACAR). This MOU establishes collaboration between the ADOC and twenty-eight rape crisis centers throughout the State of Alabama to provide confidential support services related to sexual abuse at ADOC facilities. Crisis Center, Inc. Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, provides treatment services to the inmates of the facility. This includes SAFE/SANE exams as well as victim advocacy services.

Provision (d)

As stated in Provision (c), a victim advocate is provided during the forensic medical examination. In addition, per the MOU with ACAR, the victim/inmate is also provided

advocacy assistance through The PAQ reflects there were zero allegations of sexual abuse and sexual harassment in the past twelve months. There were nine forensic medical examinations in the past twelve months.

Provision (e)

As stated in Provision (d) during the examination, the inmate meets the victim advocate. The victim advocate provides emotional support, crisis intervention, information, and referrals as necessary and/ requested.

Provision (f)

As reported in Provision (a) the facility/agency is responsible for conducting administrative and criminal investigations, including inmate-on-inmate sexual abuse and staff sexual misconduct.

Provision (g)

Auditor is not required to audit this provision.

Provision (h)

As reported in Provision (d) victim advocacy services are offered through contract and are built into the forensic exam process.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding evidence protocol and forensic medical examinations.

115.22

Policies to ensure referrals of allegations for investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Review:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Standard Operating Procedure Investigations & Intelligence #454
- ADOC Administrative Regulations #300
- ADOC Duty Officer Report
- National Institute of Corrections Investigations course certificate completions and continuing education credits

Interviews with the following:

- Random Staff
- Investigative Staff

All staff interviewed knew their responsibility to report any suspicion, or knowledge of an allegation of sexual abuse and sexual harassment. Each reported they were required to make such a report no later than four (4) hours of becoming aware of it.

During the interview process, investigative staff indicated all allegations are investigated. The ones which are criminal in nature are investigated by LESD and then referred to the local district attorney office for prosecution.

Provision (a)

The agency and facility refer all investigations to the Alabama Department of Corrections (ADOC) Law Enforcement Services Division (LESD). According to the PAQ, the ADOC has a team of thirty-seven staff investigators. The auditor reviewed documentation confirming the investigators completed the specialized investigative training from the National Institute of Corrections.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, Section I, 1, b, states the Law Enforcement Services Division (LESD) is responsible for conducting a prompt, thorough and objective investigation, whether administrative or criminal.

Administrative investigations shall be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by ADOC. LESD 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.

The PAQ reflects there were twenty-three allegations of sexual abuse or sexual harassment in the past twelve months. One was staff-on-inmate sexual harassment

allegation that was investigated criminally. After investigation this allegation was deemed to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. The remaining twenty-two were inmate-on-inmate. Of the twenty-two inmate-on-inmate allegations, one was for sexual harassment and twenty-one were for sexual abuse. The sexual harassment was investigated administratively and determined to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. Of the remaining twenty-one inmate on inmate sexual abuse allegations all were investigated criminally. After investigation one was deemed substantiated, one was deemed unfounded, thirteen were deemed unsubstantiated and six remained open, awaiting DNA results. Eight were referred for prosecution, six of which were referred for prosecution for physical assault. At the time of the audit, all prosecutions had been declined. Inmates had been notified in a timely fashion of the outcome of all completed investigations. Sexual Abuse Incident Reviews had been conducted on all completed sexual abuse investigations.

The PAQ indicates there were nine forensic exams completed in the past twelve months. These exams took place at Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, and were conducted by SAFE/SANE personnel.

Provision (b)

The policy's regarding the ADOC's obligation to thoroughly investigate all matters relative to Sexual Abuse and Sexual Harassment are provided in Provision (a).

The agency employs trained peace officer staff who have the authority to conduct sexual abuse/sexual harassment investigations. All investigations are handled by the ADOC Law Enforcement Services Division. All LESD Investigators and staff officers are trained peace officers. All substantiated criminal investigations are referred to the district attorney for prosecution. Investigations that are administrative in nature are completed by LESD. ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 7, Section C, 5, LESD is responsible for notifying the inmate whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.

The facility documents all allegations on a Duty Officer Report (DOR), which are either followed up through the administrative or criminal investigation process. The policy and processes are published on the agency website, as verified by the Auditor.

Provision (c)

As stated in Provision (a) the agency and facility refer all investigations to the Alabama Department of Corrections (ADOC) Law Enforcement Services Division (LESD).

Provision (d)

Auditor is not required to audit this provision.

Provision (e)

Auditor is not required to audit this provision.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies to ensure referral of allegations for investigations.

115.31 Employee training

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- Training Curricula
- What Staff Should Know About Sexual Misconduct with Inmates Pamphlet
- Annual Staff Training Records
- PREA Test
- PREA Information Board
- IPCM Training
- Staff Training Meetings, Signature Page

Observations during on-site review

During the on-site facility tour, the Auditor observed a bulletin board which depicted various aspects of the PREA standards. It contained various items regarding PREA such as terminology, how to report, zero tolerance, the inmate right to be free from sexual abuse and sexual harassment, #6611 (which is the number the inmates dial to report any incident of sexual abuse).

Interviews with the following:

- Random Staff

Each of the random staff interviewed recalled attending the initial PREA training when they were hired or when PREA went into effect. All staff interviewed confirmed they receive annual PREA training, as well as additional in-service training.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 11, V, A, 1 indicates employees shall receive training to include, but not be limited to, the prevention, detection, response and reporting of allegations of inmate sexual abuse, sexual harassment, and custodial sexual misconduct. Such training shall encompass all required areas employees need to know to ensure compliance with PREA standard requirements. Employee instruction shall be accomplished during initial training, annual in-service training, specialized training, and additional training as needed. Employee training shall be documented to denote employee understanding of material and verified through employee signature and refresher trainings shall be accomplished at least every two years.

The Auditor reviewed the agency's curriculum and training materials. The core

training materials were developed by The Moss Group and contain all ten (10) of the elements required for this provision. Each of the elements is covered in detail in the training and have incorporated numbered training elements to facilitate retention of the required elements. The level or complexity of the training will depend on the employee's classification with some specialized training curriculum depending on the employee's job responsibilities.

The Auditor reviewed a total of 150 staff training records. Each reviewed record contained all relevant documentation to reflect the staff had met their initial PREA requirements. In addition, the Auditor reviewed all the sign-in sheets for PREA refresher training for the past twelve months which confirmed by staff signatures, each of the employees had acknowledged receiving PREA training.

Provision (b)

The policy regarding the ADOC's responsibility to provide training and education regarding Sexual Abuse and Sexual Harassment are provided in Provision (a).

The training provided by the ADOC, addresses both male and female issues. However, the facility staff training has been tailored specifically to the male inmate population. The Auditor reviewed the training materials utilized for the staff. The training materials are consistent with this PREA standard.

As stated in Provision (a), the Auditor reviewed the sign-in sheets for the training that occurred at the facility, verifying attendance of all staff.

Provision (c)

Of the 150 staff presently assigned to the facility, the Auditor reviewed documentation reflecting all 150 staff (100%) have received PREA training in the past twelve months.

A tri-fold pamphlet is distributed to staff entitled PREA, Prison Rape Elimination Act, What Staff Should Know About Sexual Misconduct with Inmates. This pamphlet addresses the major components of PREA, definitions of Sexual Abuse and Sexual Harassment, as well as other issues for staff to consider.

The ADOC developed a small pocket-sized spiral notebook, entitled Prison Rape Elimination Act (PREA), A Trauma-Informed Guide for First Responders. This spiral notebook is made of a laminated plastic, with tabbed sections for easy review. The seven sections are:

- Intro to PREA
- Definitions of Sexual Abuse and Sexual Harassment
- PREA Components
- Prevention
- Detection
- Response
- Summary/Resources

Provision (d)

PREA training requirements mandate attendance at all PREA required training to be documented through employee signature, acknowledging the training they have received. In some instances, employees are required to complete an Acknowledgement of Receipt of Training upon completion of the training. A copy of these receipts was observed in every file reviewed by the Auditor. The receipts contained various dates which reflected separate training sessions.

In instances where a receipt of training material was not required, staff would sign-in on a training sheet, verifying their attendance at the required training. The Auditor reviewed copies of each training attendance sheet for the past twelve months, reflecting training completed by staff.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies regarding employee training.

115.32 Volunteer and contractor training

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Review:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Administrative Regulation #216
- Contractor Training Records
- Volunteer Training Records
- Training Curricula Volunteer/Contractor Training
- Volunteer/Contractor Training Card

Interviews with the following:

- Contractor who has contact with inmates.
- Volunteer who has contact with inmates.

The Auditor conducted one formal interview with a contract staff. The contractor recalled having PREA training. Recalling the level of training was specific to the contractor role or responsibilities in the facility. The contractor verbally demonstrated to the Auditor a comprehensive and complete understanding of the agency’s zero-tolerance policy and how to address any instance when an inmate reports a PREA specific issue.

The Auditor conducted one formal interview with a volunteer. The volunteer recalled having PREA training. Recalling the level of training was specific to the volunteer role and responsibilities in the facility. The volunteer verbally demonstrated to the Auditor a comprehensive and complete understanding of the agency’s zero-tolerance policy and how to address any instance when an inmate reports a PREA specific issue.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 11, K, 8 indicates the IPCM is responsible to ensure all volunteers and contractors at their facility have received appropriate training.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 11, Section M specifies that employees, contractors, and volunteers are responsible for adherence to ADOC policies and procedures relating to inmate sexual abuse, sexual harassment, and custodial sexual misconduct.

At the time of the on-site audit, there were 225 contractors approved to be at the facility. The Auditor reviewed documentation indicating that all (100%) contractors,

have received PREA training in the past twelve months. Due to COVID-19 protocols, many of the volunteer programs have been suspended during the last twelve months. Only the volunteers who have been in the facility have been trained in the past twelve months. All volunteers will be trained, prior to being allowed to begin participation in the volunteer programs again once they begin.

The Auditor reviewed the agency's curriculum and training materials. The core training materials were developed by The Moss Group and contain all ten of the elements required for this provision. Each of the elements is covered in detail in the training and have incorporated numbered training elements to facilitate retention of the required elements. The level or complexity of the training will depend on the responsibilities and role of the contractor or volunteer.

Provision (b)

The Auditor was provided with a four-page handout entitled Prison Rape Elimination Act PREA Training for Volunteers and Contractors. The handout covers numerous items relating to PREA starting with an overview, purposes of PREA, objective of PREA, the ADOC procedures for reporting incidents and/or allegations of prison rape, as well as the definition of Sexual Assault, Sexual Harassment, and Custodial Misconduct. The last page is an acknowledgement page for the contractor or volunteer to sign, with a copy of the acknowledgment being retained in the IPCM training file.

At the time of the on-site audit there were 225 contract staff currently approved to be at the facility. These contract staff are provided specific PREA training relative to whatever position the contractor holds. For instance the contract medical staff receive training entitled, "Prison Rape Elimination Act and What Healthcare Providers Need to Know. In addition to that specific training, they are also provided ADOC specific PREA training.

A tri-fold pamphlet is distributed to volunteers and contractors entitled PREA, Prison Rape Elimination Act, Training for Volunteer and Contractors. This pamphlet addresses the major components of PREA, definitions of Sexual Abuse and Sexual Harassment, as well as other issues for volunteers and contractors to consider.

Provision (c)

As indicated in Provision (b) copies of the acknowledgment page from the PREA training is retained by the IPCM. The Auditor reviewed the sign in sheets from the PREA training sessions for the past twelve months. Each sign in sheet reflected acknowledgment signatures from contractors and volunteers for the PREA training they received.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined the agency/facility meets every provision of the standard which addresses policies regarding volunteer and contractor training.

115.33 Inmate education

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- Inmate Prison Rape Elimination Act Training Curriculum
- ADOC Male Inmate Handbook, dated September 25, 2017
- Inmate Orientation Material on Sexual Assault
- Inmate Receipt of PREA/Acknowledgment

- What You Should Know About Sexual Abuse and Assault Pamphlet
- PREA Posters
- Misc. Training Materials
- PREA Bulletin Boards
- Posters and other Visual Aides/Spanish/Low-Vision Reading Materials

Observations during on-site review

During the on-site, the Auditor observed PREA posters in every room throughout the facility. PREA bulletin boards, as well as other PREA resources in varying formats were observed throughout the facility.

Interviews with the following:

- Intake Staff
- Random Staff
- Institutional PREA Compliance Manager (IPCM)

During interviews with intake staff, it was confirmed inmates are provided a PREA orientation packet upon arrival. The inmate signs the acknowledgment form which is retained in the inmate file.

Interviews with intake staff advised that upon arrival at the facility inmates are given orientation materials, including PREA related materials and are required to watch the PREA video before being assigned to a housing unit. This is a requirement for all inmates, whether they are a new intake or a transfer from another facility.

During interviews with intake staff, they indicated inmates receive their PREA training immediately upon arrival, prior to their unit assignment. They reported the inmates are not allowed to leave the intake area until they have completed their PREA orientation and watch the PREA video. Once these things are completed the inmate will be assigned a housing unit and bed and escorted to their assigned area.

During the interview process, the IPCM explained the procedure if an inmate had a

disability not covered under the training elements established by the facility. It was indicated, the ADA coordinator would ensure each inmate is able to understand and retain the PREA materials to a comfort level of comprehension.

During the interviews with inmates, they each remembered receiving written PREA materials and watching the ADOC PREA video at some point after their arrival. All the interviewees reported the material they received included information about the facility's zero tolerance policy and ways to report. The inmates who arrived prior to PREA going into effect, recalled receiving the materials and attending training when PREA was implemented. All interviewees spoke highly of the new IPCM and stated their belief that he cared for their safety.

During interviews with inmates, each were asked to briefly outline what they learned during PREA training. All responses were similar in nature and were generally: zero tolerance for sexual abuse or harassment, right to be free from sexual harassment and retaliation for reporting, who to talk to about a concern, who to report an incident to, to dial *6611 on the phone to make a report, use the locked drop boxes to file an anonymous report, call the number on the posters around the facility.

During the interview process, the IPCM explained the procedure if an inmate had a disability not covered under the training elements established by the facility. It was indicated, the ADA coordinator would ensure each inmate is able to understand and retain the PREA materials to a comfort level of comprehension.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p.13, B, 1, a, states all inmates shall be given understandable information, both written and verbal, explaining the ADOC's zero tolerance PREA policy including how to report sexual abuse and harassment upon initial intake into an ADOC institution.

According to the PAQ 692 inmates were admitted during the past twelve months. All 692 inmates stayed longer than 72 hours. The PAQ further indicates that all 692 inmates or 100% of those admitted to the facility were given PREA information at intake.

The Inmate Handbook, the inmate orientation material, the PREA pamphlet and the PREA posters were observed during the on-site tour of the facility by the Auditor. The Auditor reviewed written materials in both English and Spanish.

The Auditor reviewed a copy of the Initial Intake Acknowledgement (ADOC Form 454-A) which is completed by each inmate upon arrival. This form is a checklist of eight (8) line items, which require the inmate to read and sign, and is witnessed by a staff signature. The form is then placed in the inmate file. The checklist includes:

1. The ADOC has a Zero Tolerance Policy toward Prison Rape
2. Sex between inmates is not allowed.

3. Forcing or coercing another inmate into sexual acts is illegal.
4. It is illegal for a staff member to have sex with an inmate.
5. If you are being harassed or have been sexually assaulted or if you have witnessed sexual harassment or sexual assault you may report it, one of the following ways:
 - a. Report to any ADOC Employee
 - b. Report it to the Institutional PREA Compliance Manager
 - c. Dialing *6611 on any inmate phone system
 - d. Write a letter to the ADOC I & I Division using a pre-addressed envelope that is available for the drop boxes.
 - e. Have a family member or friend report it via the ADOC website. www.doc.alabama.gov
6. All claims of sexual harassment and sexual assault will be investigated.
7. A statement of findings of the investigation will be provided to the victim
8. Criminal charges will be pursued, if applicable.

Of the fifty inmate records reviewed, a signed, and dated documentation of PREA education was retained in every file with the rest of the inmate information. The date of the signature coincided with the date the inmate arrived at the facility. In addition to the orientation packet, all inmates coming through watched the seventeen-minute ADOC PREA video, which is produced in both English and Spanish. All fifty inmate records revealed they were screened within 72-hours of arriving, received 30-day comprehensive PREA education and were re-assessed within 30-days as required by standard.

The facility has ample telephones designated for inmate use. Using any of these telephones, an inmate can dial *6611 and be immediately connected to the PREA hotline. The inmate is then advised he can make a report anonymously. The call is free of charge and confidential. This was confirmed by the Auditor on the on-site tour.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, B, 1, b, states all inmates shall 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 arrival into an ADOC institution. The facility policy is a replica of the ADOC policy.

The PAQ indicates, during the past twelve months there were 692 inmates admitted to the facility whose length of stay was more than thirty days. The PAQ also reflected all 692 inmates received comprehensive education on their rights to be free from

sexual abuse and sexual harassment and retaliation, as well as the policies and procedures for reporting.

Provision (c)

As indicated in Provision (b) 100% of inmates who entered the facility during the past twelve-month period received the required PREA training. At the time of PREA implementation, all inmates were required to attend PREA training. Inmates arriving after implementation received their training at intake. This training, at intake, is facilitated using viewing videos. The inmate is also provided an inmate handbook, written material on sexual abuse and sexual harassment, and What You Should Know About Sexual Abuse and Assault pamphlet. At the end of the intake process is a question-and-answer period to reinforce retention of the information presented during intake.

The information was documented with verification of the training retained in the inmate file. A copy of this documented verification was reviewed by the Auditor.

As indicated in Provision (b) the intake staff provide the PREA information immediately upon arrival into the facility.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, B, 1, c, requires that the IPCM provide all inmates accessible educational formats if an inmate has special needs (language barriers, visually impaired, deaf, limited reading skills, or otherwise disabled), not relying on inmates for this service.

The various training elements provided to the inmate population range from PREA orientation video and documents in both English and Spanish, PREA posters in both English and Spanish, to staff members who are fluent in Spanish.

Provision (e)

As stated in previous provisions, all inmates are required to sign the ADOC Administrative Regulations #454-A, Inmate Awareness Acknowledgment. A copy of this acknowledgment is scanned and retained in the inmate file as documentation.

As stated in provision (a), a review of fifty inmate records was conducted. The signed acknowledgment was in every record.

The ADOC has a database to track if an inmate has participated in the mandated PREA training. The database can conduct a query by inmate name and facility to verify whether an inmate has received training.

Provision (f)

ADOC, and the facility ensure the inmates receive crucial education about sexual abuse and sexual harassment. Using varying formats, the inmate population receives important information in user friendly, comprehensible ways. The various delivery

systems are Inmate handbook, which specifically lays out the prevention of Sexual Violence, zero tolerance policy and includes multiple methods inmates can seek assistance regarding sexual violence.

ADOC created a variety of PREA posters, in both English and Spanish. These posters are different throughout the facility as not to become easy to overlook. They are posted in every area of the facility. During the on-site, the Auditor observed these posters in every room throughout the facility.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard for inmate education.

115.34 Specialized training: Investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- Specialized Training Curriculum
- Training Certificates for Investigators

Interviews with the following:

- Investigative Staff

Through the interview process, the investigative staff indicated specialized training had been completed by all investigative staff.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 11, V, 2 indicates that additional training related to investigators roles includes, but is not limited to:

- Interviewing Sexual Abuse Victims
- Proper Use of Miranda and Garrity Warnings
- Conducting Sexual Abuse Investigations, including the collection of evidence in a confinement setting
- Criteria and evidence required to substantiate a case for administrative action
- Criteria and evidence required to substantiate a case for prosecutorial referral

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, further dictates that all training must be documented and verified through employee signature and must be retained by the agency.

ADOC SOP, OPR: I & I Number 454, PREA Sexual Assault Investigations, p. 2, C, 1 specifies that the I & I investigators shall receive additional training related their roles to include, but not be limited to:

- Interviewing Sexual Abuse Victims
- Conducting Sexual Abuse Investigations in confined settings
- Investigation and Evidence Collection for Inmate Sexual Offenses
- Sexual Harassment and Custodial Sexual Misconduct

The Auditor reviewed portions of the on-line training required of all ADOC

investigators. This material is provided on-line through the United States Department of Justice, National Institute of Justice entitled, Sexual Abuse and the Initial Responder. This on-line training provides investigative staff training in the following areas:

- PREA Investigations
- Collaborating with Victims Interviewing Techniques
- Institutional Culture and Investigations

According to the PAQ, the ADOC currently employs thirty-seven PREA investigators statewide. The Auditor reviewed training certificates for each of the investigators assigned to the facility, as well as the Specialized Investigation Training certificates provided by the Moss Group. The training records reflected the required training items in addition to various other courses such as: Trauma-Informed Sexual Assault, Human Trafficking, Prison Rape and Sexual Assault Investigations.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 11, V, 2, mandates investigators and other ADOC employees with PREA related responsibilities to receive additional training related to their roles to include, but not limited to:

- Interviewing Sexual Abuse Victims
- Proper Use of Miranda and Garrity Warnings
- Conducting Sexual Abuse Investigations, including the collection of evidence in a confinement setting
- Criteria and evidence required to substantiate a case for administrative action
- Criteria and evidence required to substantiate a case for prosecutorial referral

The Auditor viewed the US Department of Justice, Bureau of Prisons, NIC training entitled "Sexual Abuse and the Initial Responder." There are currently five chapters provided in this training course:

- Course Introduction
- PREA Investigations
- Collaborating with Victims
- Interviewing Techniques
- Institutional Culture and Investigations

Through a review of training records and an interview with an investigator, the Auditor was able to confirm that all training requirements have been met.

Provision (c)

As outlined previously in Provision (a) & (b) ADOC Administrative Regulation 454 address this provision.

The ADOC currently employs thirty-seven PREA investigators statewide. The Auditor

reviewed training certificates for each of the ADOC Law Enforcement Services Division PREA Investigators, as well as the Specialized Investigation Training certificates provided by the Moss Group.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies regarding specialized training: investigations.

115.35 Specialized training: Medical and mental health care

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC MOU with ACAR
- Training Records of Medical and Mental Health Practitioners
- Specialized Training Curricula

Interviews with the following:

- Medical and Mental Health Staff

All medical and mental health staff assigned to the facility are contracted through Wexford. Through staff interview and a review of training documents by the Auditor, each of the assigned staff members have attended the required training and meet all training requirements.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 12, V, 3, a-g, dictates that Medical and Mental Health employees, shall receive additional training to include, but is not limited to:

- a. How to detect and assess signs of sexual abuse and harassment;
- b. How to preserve physical evidence of sexual abuse;
- c. How to respond effectively and professionally to victims of sexual abuse and harassment;
- d. How and to who to report allegations or suspicions of sexual abuse and harassment
- e. Recognizing the special medical and mental needs of all inmates
- f. Factors to consider in an inmate's risk of sexual victimization
- g. Training shall be documented to denote employee understanding of material and verified through employee signature

A review of the provided lesson plan/training materials demonstrate compliance with this training requirement.

Provision (b)

N/A - All medical staff are prohibited by procedure from performing forensic examination on sexual abuse victims.

Provision (c)

As indicated in Provision (a), through staff interview and a review of the training documents by the Auditor, each of the assigned staff members have attended the required training and meet all training requirements. All training documentation is retained in the employee file, as required.

Provision (d)

The Auditor reviewed sign-in sheets and training materials that reflect the general PREA training that is mandated for ADOC employees, contractors and volunteers outlined in policy and PREA standards. The sign-in sheets confirm, in addition to specialized training, the contracted medical staff received the general PREA training mandated for all ADOC employees.

Conclusion:

Based upon the review and analysis of the available evidence, the Auditor has determined that the agency/facility meets every provision of the standard which addresses policies regarding specialized training: medical and mental health care.

115.41 Screening for risk of victimization and abusiveness

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Administrative Regulation #637
- ADOC Form 454-C, Classification PREA Risk Factors Checklist
- ADOC Form 454-K, PREA Risk Assessment
- Risk Assessment Checklist

Interview with the following:

- Staff Responsible for Risk Screening
- Institutional PREA Compliance Manager (IPCM)
- Agency PREA Director (PD)
- Random Inmates

Through the interview process, inmates were able to recall being asked questions relative to their concern for sexual safety, and if they felt like they were going to harm themselves.

Through the interview process, inmates recalled being asked questions specific to previous sexual abuse & harassment within three days of their arrival at the facility.

Through the interview process inmates recalled being asked questions relative to this standard. Most indicated they recalled being interviewed within a couple of weeks after arrival.

Through the interview process, intake staff indicated they do not discipline any inmate for their refusal to answer these questions during an assessment, rather each of them indicated they would explain the reason behind the question and attempt to solicit a response. However, no disciplinary action would be taken if the inmate chose not to respond.

The Auditor interviewed the PREA Director and the IPCM regarding who can specifically access the screening information collected during intake and screenings, and was advised that Medical Staff, Classification Staff and the PREA Compliance Manager have access. The PREA Director and IPCM acknowledged the PREA Director made a procedural change by adding the IPCM as back-up to conduct the Risk Assessments when Classification cannot.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse

and Harassment, dated January 4, 2016, p. 15, F, 1, mandates all ADOC facilities, including are required to screen all new inmates, at initial intake. The intake is to occur no more than 72-hours after arrival and is to screen for potential risk of sexual vulnerability and potential risk of sexual aggression. The intake shall be completed using ADOC Form 454-C, PREA Risk Factors Checklist.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 15, F, 2, mandates all ADOC facilities, are required to screen all inmates transferring from another facility, at initial intake. The intake is to occur no more than 72-hours after arrival and is to screen for potential risk of sexual vulnerability and potential risk of sexual aggression. The intake shall be completed using ADOC Form 454-C, PREA Risk Factors Checklist.

During the on-site audit, the facility staff explained the intake screening process and the Auditor subsequently reviewed intake screening documents. The intake staff explained each of the documents and assessments utilized. The intake staff also modeled each of the questions, providing the Auditor with a clear and thorough understanding of the overall intake and classification process.

Provision (b)

As stated in (a), according to the listed policies all inmates must be screened within 72 hours of arrival.

The Auditor reviewed the PAQ which indicated in the past twelve 12 months, 100% or 692 inmates were screened for the risk of sexual victimization or sexual abusiveness within 72 hours of their entry into the facility.

A list of inmates' arrival dates and dates of evaluation do demonstrate compliance with this standard. Using this list, the Auditor reviewed random inmate files to ensure they received the training and how that training was completed. The files were for inmates from varying housing units, ethnic and racial backgrounds. Of the fifty records reviewed, all records had verification that the initial screening had occurred within 72-hours of arrival.

As stated in Provision (a), the Auditor was able to specifically question staff about the required questions. The intake staff replied that all the PREA related questions are asked during initial intake and ongoing classification screenings.

Provision (c)

The Auditor reviewed copies of several intake forms and screening assessments from the intake staff, which were documented on the ADOC Form 454-K, PREA Risk Assessment and ADOC Form 454-C, Classification PREA Risk Factors Checklist. These forms are the foundation for an assessment that provides the intake and classification staff with an independently developed, validated and objective assessment used for screening assessments, as outline in the following paragraph.

ADOC Administrative Regulation #637, dated May 9, 2018, Gender Dysphoria, p. 2, V, A, 1, states that pursuant to ADOC Administrative Regulation 454 "Prison Rape

Elimination ACT" (PREA), all new incoming inmates shall be screened at the reception and diagnostic centers for a history of predatory sexual behavior, sexual abuse and the likelihood/potential of sexual abuse/victimization using the PREA screening checklist and instructions utilizing the PREA screening checklist (Form 454- C).

Staff members who conduct intake screenings utilize ADOC Form 454-K, PREA Risk Assessment and ADOC Form 454-C, Classification PREA Risk Factors Checklist for guidance in conducting an initial assessment of an inmate's risk of victimization and risk of abusiveness. All inmates are reassessed within thirty-days.

The Auditor was able to verify compliance with this provision through the review of fifty inmate records, reflecting copies of the required assessments. A copy of the risk assessment questionnaire was provided to the Auditor. A review of this instrument indicates it is weighted and scored based upon responses to specific questions required in the Standard and Provision.

As stated in (a), the Auditor was able to interview intake staff who were able to explain to the Auditor through the intake screening and classification process, which included an overview of the ADOC Form 454-C, Classification PREA Risk Factors Checklist and ADOC Form 454-K, PREA Risk Assessment.

Provision (d)

The Auditor reviewed the ADOC Form 454-C, Classification PREA Risk Factors Checklist, Parts 1 and 2, and compared the questions on Part 1 of the form with the requirements for Provision (d). All items for Provisions (d) have been included into Part 1 of the screening instrument. The included items are:

1. Whether the inmate has a mental, physical, or developmental disability
2. The age of the inmate
3. The physical build of the inmate
4. Whether the inmate was previously incarcerated
5. Whether the inmate's criminal history is exclusively nonviolent
6. Whether the inmate has prior convictions for sex offenses against an adult or child
7. Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming.
8. Whether the inmate has previously experienced sexual victimization
9. The inmate's own perception of vulnerability.
10. Whether the inmate is detained solely for civil immigration purposes.

As stated in (a), the screening and intake process was explained to the Auditor, which

included the ADOC Form 454-C, Classification PREA Risk Factors Checklist and ADOC Form 454- K, PREA Risk Assessment.

Provision (e)

The Auditor reviewed the ADOC Form 454-C, Classification PREA Risk Factors Checklist, Parts 1 and 2, and compared the questions on Part 2 of the form with the requirements for Provision (e). All items required for Provision (e) have been included in the screening instrument, which addresses Possible Sexual Predatory Risk Factors. The items addressed include:

- Prior acts of sexual abuse
- Prior convictions for violent offenses
- History of prior institutional violence or abuse

As stated in (a), the screening and intake process was explained to the Auditor, which included the ADOC Form 454-C, Classification PREA Risk Factors Checklist and ADOC Form 454- K, PREA Risk Assessment.

Provision (f)

The Auditor reviewed the PAQ which indicated within the past twelve months, 692 or 100% have been reassessed for the risk of sexual victimization or risk of sexually abusiveness of other inmates within thirty days of their entry into the facility.

Provision (g)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 14, F, 5, specifies all inmates shall be reassessed for risk of sexual victimization and abusiveness within thirty-days of intake. In addition, upon receipt of additional information that bears on an inmate's risk of sexual victimization or abusiveness, additional screening will be conducted.

As stated in Provision (a), the Auditor was able to sit with and interview intake staff who were able to walk the Auditor through the intake screening and classification process. Intake staff indicated they monitor all the inmate population and will conduct a re-assessment when warranted due to:

- A referral
- A request
- An incident of sexual abuse, or
- A receipt of additional information that may have some bearing on the inmate's risk of victimization or abusiveness.

Provision (h)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 16, F, 7, indicates during the time of these assessments the ADOC shall take no formal or informal disciplinary action should an

inmate refuse to participate or answer any screening questions.

These policies are all encompassing and do not specifically identify the inmates relative to their disabilities, gender preferences, history of sexual victimization and/or the inmate's own perception of vulnerability. Should the inmate choose not to answer for any reason, they cannot be disciplined. The policy language is broad and applicable to this provision.

Provision (i)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 16, F, 8, mandates there will be appropriate controls on the dissemination of screening information as to ensure each inmate's sensitive information is not exploited.

As stated in (a), the Auditor interviewed intake staff. During that interview, the intake staff indicated access to the inmate's classification information is secured, with controlled access by classification staff.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility does meet every provision of the standard for; Screening for Risk of Sexual Victimization and Abusiveness.

115.42 Use of screening information

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Review:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC SOP Number 454-5
- Form 454-C, Classification PREA Risk Factors Checklist
- ADOC Form 454-K, PREA Risk Assessment
- ADOC, PREA Director memo, dated February 20, 2020, Transgender Reassessment and Housing.
- Inmate Records
- Intake Risk Assessment Checklist
- Risk Assessment Checklist
- Housing Designation Spreadsheet

Interview with the following:

- Staff Responsible for Risk Screening
- Institutional PREA Compliance Manager (IPCM)
- Agency PREA Director (PD)
- Transgender Inmates

During the interview process, staff who are responsible for risk screening, advised the Auditor that because of the assessment procedures being utilized, each inmate is individually evaluated. Staff not only use the assessment procedures which are in place, additional consideration is given to the discussions with each singular inmate when making classification and housing decisions.

During the interview process, the intake staff who are responsible for risk screening, indicated transgender or intersex inmates view of their own safety is taken into serious consideration when determining housing placements and programming assignments. In addition, the staff indicated because of the assessments that are utilized, each inmate is evaluated separately.

During the interview process, the IPCM indicated every assessment completed by staff is factored into the placement and programming of each inmate (ADOC forms 454-C and 454-K). Further the inmate’s risk levels, housing and program assignments are guided with the use of these various assessments ensuring that every inmate, especially those at high risk of being sexually victimized, are separated from those of at high risk of being sexually abusive.

During interviews with the PD, IPCM and staff responsible for screening, all specified the transgender or intersex inmate’s views of their own safety is given great weight

when making decisions regarding housing placement or programming assignments. They further confirmed that regular classification reassessments are conducted a minimum of every six months, or if the inmate is involved in an incident of a sexual nature.

During the interview process with the PD and the IPCM, both indicated that neither the ADOC or Donaldson are under any consent decree, legal settlement, or legal judgment requiring the establishment of a dedicated facility, unit, or wing for lesbian, gay, bisexual, transgender, or intersex (LGBTI) inmates. Both indicated that all LGBTI inmates are housed within the general population unless specific issues are present and only then the appropriate staff will meet with the inmate and address the concerns.

During the interview process, the Auditor asked the PD, IPCM and the staff responsible for risk screening about the showering arrangements for transgender or intersex population. Each indicated the inmate's views of their own safety is given serious consideration when providing showering options. In addition, they clarified that transgender or intersex inmates would be able to shower separately from other inmates by utilizing alternate shower times.

At the time of the on-site audit there were four transgender inmates assigned to the facility. The transgender inmates interviewed confirmed:

- They were housed in general population.
- They were reassessed a minimum of twice a year.
- They were provided private space and time to shower.
- They believed the facility staff took their opinion and perceptions into consideration.

Provision (a):

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 16, F, 9, a, specifies that during the screening process and PREA Mental Health Assessment shall be used to make individualize and safety-based determination and assist in the initial classification and institutional assignment of the inmate, with the goal of keeping separate inmates at high-risk of being sexually victimized from those at high risk of being sexually abusive.

Following a review of fifty inmate records, the Auditor was able to verify the information from these assessments was being utilized in the various classification decisions made by staff.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 16, F, 10, a, indicates the information obtained during the screening process and PREA Mental Health Assessment is used to make individualize and safety-based determinations and assist in the initial

classification and institutional assignment of the inmate, as well as determine work, education, and program assignments.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 17, F, 10, f, requires that when deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, ADOC shall consider on a case-by-case basis whether the placement would ensure the inmate's health and safety, and whether the placement would present management or security concerns.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 17, F, 10, d, advises that placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

Provision (e)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 17, F, 10, e, shows that a transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.

Provision (f)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 17, F, 10, g, reveals transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

As previously identified, each of the housing areas have bathrooms with single shower stalls that are private and separate. The random staff who were interviewed also indicated that if a transgender or intersex inmate asked to shower separately, they would arrange a separate shower time from the other inmates. It was indicated that the alternate shower time would probably be thirty minutes before or after other inmates can shower.

Provision (g)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 17, F, 10, c, specifies the agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such 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

such inmates.

Conclusion:

Based upon the review and analysis of all available evidence, the Auditor has determined the agency/facility meets every provision of the standard requiring the use of screening information.

115.43 Protective Custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Review:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- ADOC Administrative Regulation 454
- ADOC Administrative Regulation 435
- Housing Designation Spreadsheet
- Segregation Log/Holding Cell/Crisis Cell
- Post Allegation Protective Custody Form

On-Site Observations:

During the facility tour, conversations with segregation staff on duty indicated zero inmates were placed in voluntary or involuntary segregation due to PREA allegations or investigations.

Interviews with the following:

- Warden
- Institutional PREA Compliance Manager (IPCM)

The Auditor interviewed the Warden and the IPCM specific to this standard and both confirmed zero inmates had been placed in segregation as a result of PREA allegations or issues.

Provision (a):

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, J, 1, specifies that inmates at high risk for sexual victimization or those who report sexual victimization shall not be placed in involuntary administrative or punitive segregation unless there has been an assessment of all other available alternative and a determination made that there are no other alternatives available.

During the past twelve months there have been zero inmates placed into involuntary administrative or punitive segregation in accordance with this standard. The PAQ reflects this information.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, J, 2, indicates that inmates placed into segregated housing as the only means of protecting such an inmate shall have access to all programs, privileged, education and work opportunities, to the extent possible,

and it shall only be until an alternative means of separation from the likely accuser can be arranged, a time period not to ordinarily exceed thirty days. In these cases, the facility shall clearly document the basis for the facility's concerns for the inmate's safety and the reason why no alternative means of separation can be arranged.

As stated in Provision (a), during the past twelve months there have been zero inmates placed into involuntary administrative or punitive segregation in accordance with this standard. The PAQ reflects this information.

Provision (c)

As stated in Provision (a), during the past twelve months there have been zero inmates placed into involuntary administrative or punitive segregation in accordance with this standard. The PAQ reflects this information. Consequently, no inmates were held longer than thirty days.

Provision (d)

N/A

Provision (e)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, J, 3, states inmates placed into segregated housing as the only means to protect such an inmate shall be afforded reviews by the facility every thirty days to determine whether there is a need to continue separation from the general population.

As stated in Provision (a), during the past twelve months there have been zero inmates placed into involuntary administrative or punitive segregation in accordance with this standard. The PAQ reflects this information.

Conclusion:

Based upon the review and analysis of all available evidence, the Auditor has determined the agency/facility meets every provision of the standard relative to protective custody.

115.51 Inmate reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided
- ADOC Administrative Regulation #454
- ADOC, Male Inmate Handbook, dated September 25, 2017
- PREA Poster in English and Spanish
- Inmate Legal Mail Envelopes
- MOU with Securus for Hotline services
- Poster with Reporting Methods

Observations during on-site review

During the on-site portion of the audit, the Auditor observed numerous different PREA posters in both English and Spanish throughout the facility. These posters were observed in each housing unit, common areas, main hallways, intake holding area, dining room, etc. In addition, the Auditor observed boxes with PREA in bold lettering located in the facility. While interviewing mailroom staff, the Auditor was informed inmates can request and obtain envelopes which are self-addressed to the Director of the LESD for inmates to provide confidential information relative to PREA utilizing the legal mail process.

During the on-site portion of the audit, the Auditor tested the telephones for access to the ADOC PREA hotline. In every instance, the PREA hotline functioned as required. When the receiver was picked, up a recorded message would give the person on the phone the option of making an anonymous, free telephone call to the PREA Hotline. When calling the PREA Hotline the inmate can leave a message that is approximately up to 2 minutes in length.

Interview with the following:

- Institutional PREA Compliance Manager (IPCM)
- Random Staff
- Random Inmates

The IPCM was interviewed regarding the ADOC's process for providing one way for the inmate population to report abuse or harassment to a public or private entity. It was confirmed the ADOC has an MOU with an outside agency, that provides an avenue for the inmate population to contact them and leave an anonymous message. Further these messages are provided directly to the agency PREA Director for appropriate follow-up and resolution.

Through the interview process, staff indicated they would accept a report or

allegation from the inmate and provide it to their supervisor for further direction. They each also reported inmates can report several different ways which includes telling a staff member, calling the PREA hotline posted throughout the facility, or telling a family member. Staff interviewed stated inmates can privately report sexual abuse or sexual harassment as well; through the hotline number *6611 or through legal mail using a pre-addressed LESD envelope.

During interviews with staff, several methods for staff to privately report sexual abuse of inmates were identified. All staff indicated that they may choose to make a private report to their supervisor, another supervisor, the PREA Director or the IPCM.

Through the interview process, inmates indicated they were aware of multiple ways to report incidents of sexual abuse or sexual harassment. These included using the *6611 telephone number, contacting the IPCM, have a family member contact the institution, contacting a staff member, and using the PREA boxes throughout the facility. Most indicated they would tell a staff member first.

Through the interview process, inmates reported being familiar with the PREA hotline. All the inmates reported they were aware they could make a report via the telephone without providing their name or ID number.

During the process of interviewing inmates regarding provision (c), 100% indicated they were aware they can make reports of sexual abuse or sexual harassment in person and in writing.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 21, Section H, 2, a, specifies that inmates may report sexual abuse or harassment verbally or in writing, third party or anonymously. Inmates may file a grievance, call the PREA hotline, deposit a complaint in the PREA drop box (a secure receptacle located at each facility), tell the IPCM, contact LESD by using a pre-addressed LESD envelope, or they may tell any staff, contractor or volunteer and expect the information to be reported immediately and thoroughly investigated as indicated in this policy.

Provision (b)

The Auditor reviewed a copy of the MOU between Securus Technologies and the ADOC. This contract went into effect May 15, 2019. The contract is to provide a comprehensive correctional communications system statewide. Through Securus Technology the following Hotline numbers are available on every inmate telephone, twenty-four hours a day, seven days a week.

- PREA and Investigations and Intelligence Hotline (*6611)
- ADOC Crime Tip Hotline designated as 1-866-293-7799, Option 4
- ACAR Hotline designated as 1-800-639-4357

The recording feature on these telephones must store call recordings for at least five

years. The vendor must maintain such records as accessible online to the ADOC at no cost. Via workstation, the System must allow Authorized Users to lock call recordings to ensure their retrieval beyond the on-line storage period. Once a call recording is locked, it must be available on-line unlocked.

The Auditor was able to view spreadsheets of the hotline calls, which identify the facility and the issue; however, there is no indication of who is the reporting party, therefore, maintaining anonymity.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, Section H, 1, a, states ADOC employees, can receive information, including verbal, written, third party reports or anonymous complaints, concerning inmate sexual abuse, sexual harassment and custodial sexual misconduct; retaliation against inmates or staff who report such an incident, or any staff neglect or violation of responsibility that may have contributed to an incident or violation shall immediately report the incident through their chain of command.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, H, 1, b, stated that any knowledge, suspicion or information regarding sexual abuse, sexual harassment, and custodial sexual misconduct shall be reported immediately.

A review of the inmate handbook published September 25, 2017, p. 23, states "All reports are investigated and are confidential - the ADOC and its staff want to keep you safe!"

Provision (d)

As identified in Provision (c), this matter is addressed in ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, V. Procedures, Section H.

Conclusions:

Based upon the review and analysis of all available evidence, the Auditor has determined the agency/facility meets every provision of the standard relative to inmate reporting.

115.52	Exhaustion of administrative remedies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Documentation Reviewed:</p> <ul style="list-style-type: none"> • Pre-Audit Questionnaire (PAQ) and supporting documentation provided. • ADOC Administrative Regulation #454 • Male Inmate Handbook - published September 25, 2017 <p>Interviews with the following:</p> <ul style="list-style-type: none"> • Random and Specialized Staff • Random and Targeted Inmates <p>Through the interview process, inmates reported there was not a grievance procedure in place to manage PREA allegations.</p> <p>Through the interview process, staff reported there was not a grievance procedure in place to handle PREA allegations.</p> <p>Provision (a):</p> <p>The agency and facility both report they do not have administrative procedures to address male inmate grievances regarding sexual abuse.</p> <p>The Pre-Audit Questionnaire (PAQ) indicates the facility had zero grievances in the past twelve months. The ADOC, Associate Commissioner of Operations, provided a statement which confirms the Alabama Department of Corrections does not have administrative procedures to address male inmate grievances regarding sexual abuse.</p> <p>The Auditor reviewed ADOC Administrative Regulation #454 and the Male Inmate Handbook, as both indicate ADOC as an agency does not have an inmate grievance procedure in place for male inmates.</p> <p>Provision (b)</p> <p>N/A - See Provision (a) for details.</p> <p>Provision (c)</p> <p>N/A - See Provision (a) for details.</p> <p>Provision (d)</p> <p>N/A - See Provision (a) for details.</p> <p>Provision (e)</p>

N/A - See Provision (a) for details.

Provision (f)

N/A - See Provision (a) for details.

Provision (g)

N/A - See Provision (a) for details.

Conclusions:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding exhaustion of administrative remedies.

115.53

Inmate access to outside confidential support services

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- MOU with Rape Crisis Center
- PREA Posters
- Alabama Advocacy Hotline
- MOU with Outside Confidential Support Service Agency Advocacy Centers Contact Information

Observations during on-site review

During the tour of the facility, the Auditor observed posters throughout the facility. Some posters were provided by the ADOC, some were provided by the Alabama Coalition Against Rape. The posters repeatedly stated, "You have a right to be free from sexual assault" or "zero tolerance for sexual abuse or assault". The posters had a victim support telephone number to call. An inmate can also go to the telephone and dial *6611 and be connected to the PREA hotline for a free, confidential way to report sexual abuse or assault. The Auditor utilized the telephone number provided, as well as the *6611 and was able to confirm it was a functioning for the identified services. Lastly, posting around the facility let inmates know they can notify the IPCM, or other staff member, of any incident of sexual abuse or harassment.

Interviews with the following:

- Inmate who reported sexual abuse
- Random Inmates
- Representative from Crisis Center, Inc

During the interview process, inmates responded they were familiar with the PREA hotline. Each reported the call was free and confidential. Each responded they knew about an outside agency because of the PREA training and the posters around the facility.

The Auditor spoke with a representative from Crisis Center, Inc., 3620 8th Ave S, Birmingham, AL 35222, 205-458-8981, and was advised a victim advocate is made available to be present with the victim before, during and following the examination. Additionally, the advocate conducts follow-up contacts with the victim to ensure aftercare is arranged and firmly in place.

During the interview process, inmates responded they were familiar with the PREA hotline *6611. Each responded they knew some of the information they provided

might be given to the facility staff.

Provision (a)

The facility provided the Auditor a listing from the Alabama Coalition Against Rape (ACAR) Member Crisis Centers, including the mailing address, as well as the office telephone number. The listing further broke down the contact information by county for utilization by respective facilities. The Auditor spoke with a representative from Crisis Center, Inc., 3620 8th Ave S, Birmingham, AL 35222, 205-458-8981, confirmed they provide services to Donaldson Correctional Facility.

Provision (b)

During the tour of the facility, the Auditor tested several payphones for access to the ADOC PREA hotline. Each time the PREA hotline functioned appropriately. The phones are checked once on each shift by an intermediate or higher staff member to make sure they are in working order to reach the PREA hotline without difficulty.

The Auditor spoke with a representative from Crisis Center, Inc., 3620 8th Ave S, Birmingham, AL 35222, 205-458-8981, and was advised a victim advocate is made available to be present with the victim before, during and following the examination. The representative reported Crisis Center, Inc., staff have a responsibility to inform any victim that some information the victim shares with them may need to be provided to facility staff. This information may be medical and/or non- medical, for purposes such as institutional security, PREA investigation, and further medical and mental health services.

Provision (c)

The Auditor was provided a copy of a MOU between the ADOC and the Alabama Coalition Against Rape (ACAR) to facilitate services related to implementation of the Prison Rape Elimination Act. The MOU states that ACAR will provide confidential emotional support services related to sexual abuse. ACAR is also required to either maintain or enter into other agreements with community service providers to provide confidential emotional support services related to sexual abuse to inmates within its custody, specifically establishing services that are closest to the respective facilities.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding inmate access to outside confidential support services.

115.54 Third-party reporting

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- MOU with Rape Crisis Center
- PREA Posters
- Alabama Advocacy Hotline
- MOU with Outside Confidential Support Service Agency Advocacy Centers Contact Information

Observations during on-site review

During the tour of the facility, the Auditor observed posters throughout the facility. Some posters were provided by the ADOC, some were provided by the Alabama Coalition Against Rape. The posters repeatedly stated, "You have a right to be free from sexual assault" or "zero tolerance for sexual abuse or assault". The posters had a victim support telephone number to call. An inmate can also go to the telephone and dial *6611 and be connected to the PREA hotline for a free, confidential way to report sexual abuse or assault. The Auditor utilized the telephone number provided, as well as the *6611 and was able to confirm it was a functioning for the identified services. Lastly, posting around the facility let inmates know they can notify the IPCM, or other staff member, of any incident of sexual abuse or harassment.

Interviews with the following:

- Inmate who reported sexual abuse
- Random Inmates
- Representative from Crisis Center, Inc

During the interview process, inmates responded they were familiar with the PREA hotline. Each reported the call was free and confidential. Each responded they knew about an outside agency because of the PREA training and the posters around the facility.

The Auditor spoke with a representative from Crisis Center, Inc., 3620 8th Ave S, Birmingham, AL 35222, 205-458-8981, and was advised a victim advocate is made available to be present with the victim before, during and following the examination. Additionally, the advocate conducts follow-up contacts with the victim to ensure aftercare is arranged and firmly in place.

During the interview process, inmates responded they were familiar with the PREA hotline *6611. Each responded they knew some of the information they provided

might be given to the facility staff.

Provision (a)

The facility provided the Auditor a listing from the Alabama Coalition Against Rape (ACAR) Member Crisis Centers, including the mailing address, as well as the office telephone number. The listing further broke down the contact information by county for utilization by respective facilities. The Auditor spoke with a representative from Crisis Center, Inc., 3620 8th Ave S, Birmingham, AL 35222, 205-458-8981, confirmed they provide services to Donaldson Correctional Facility.

Provision (b)

During the tour of the facility, the Auditor tested several payphones for access to the ADOC PREA hotline. Each time the PREA hotline functioned appropriately. The phones are checked once on each shift by an intermediate or higher staff member to make sure they are in working order to reach the PREA hotline without difficulty.

The Auditor spoke with a representative from Crisis Center, Inc., 3620 8th Ave S, Birmingham, AL 35222, 205-458-8981, and was advised a victim advocate is made available to be present with the victim before, during and following the examination. The representative reported Crisis Center, Inc., staff have a responsibility to inform any victim that some information the victim shares with them may need to be provided to facility staff. This information may be medical and/or non- medical, for purposes such as institutional security, PREA investigation, and further medical and mental health services.

Provision (c)

The Auditor was provided a copy of a MOU between the ADOC and the Alabama Coalition Against Rape (ACAR) to facilitate services related to implementation of the Prison Rape Elimination Act. The MOU states that ACAR will provide confidential emotional support services related to sexual abuse. ACAR is also required to either maintain or enter into other agreements with community service providers to provide confidential emotional support services related to sexual abuse to inmates within its custody, specifically establishing services that are closest to the respective facilities.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding inmate access to outside confidential support services.

115.61	Staff and agency reporting duties
	<p data-bbox="256 188 983 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 557 297">Auditor Discussion</p> <p data-bbox="256 340 612 374">Documentation reviewed</p> <ul data-bbox="331 443 1374 645" style="list-style-type: none"> • Pre-Audit Questionnaire (PAQ) and supporting documentation provided. • ADOC Administrative Regulation #454 • ADOC Administrative Regulation 302 • Mandatory Reporting Law (Alabama Code 26-14-13) • Incident Reports <p data-bbox="256 685 671 719">Interviews with the following:</p> <ul data-bbox="331 786 1023 1032" style="list-style-type: none"> • Random Staff • Specialized Staff • Medical Staff • Warden • PREA Director (PD) • Institutional PREA Compliance Manager (IPCM) <p data-bbox="256 1072 1477 1319">During interviews with staff, all were aware of their reporting duties and were able to explain how they would immediately report an allegation of sexual abuse in a manner compliant with policy. Moreover, each verbalized information received from a victim should remain confidential, with them only notifying staff that needed to know, i.e., their supervisor, medical staff, etc. All staff indicated PREA related allegations and reports go to the IPCM, who then notifies the investigative staff.</p> <p data-bbox="256 1352 1474 1554">During interviews with staff, all were aware of their reporting duties with regard to retaliation and were able to verbalize how they would immediately report an allegation of sexual abuse. Further, each articulated information received from a victim should remain confidential, with them only notifying staff that needed to know, i.e., their supervisor, medical staff, etc.</p> <p data-bbox="256 1592 1437 1879">During interviews with medical staff, all were aware of their responsibility to keep information confidential and only release it on a need-to-know basis. Further they were able to verbalize how they would immediately report an allegation of sexual abuse. Further, each verbalized their understanding of the policy as well as their rights and responsibilities. They all articulated they were obligated to advise the victim (inmate) of the limitations of confidentiality, due to the mandatory reporting law, prior to the initiation of services.</p> <p data-bbox="256 1912 1453 2069">During interviews with the Warden, PREA Director and IPCM, each articulated they were aware of the requirement to report all allegations of sexual abuse and sexual harassment, including third part and anonymous reports, to the facilities designated investigators.</p>

During interviews with the Warden, PREA Director and IPCM each confirmed allegations of sexual abuse and sexual harassment are reported to the IPCM and LESD.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, Section H, 1, a, specify ADOC employees/staff who receive any information, including verbal, written, third-party reports and anonymous complaints concerning inmate sexual abuse, sexual harassment, and custodial sexual misconduct, retaliation against inmates or staff who report such an incident; or any staff neglect or violation of responsibilities that may have contributed to an incident or violation, shall immediately report the incident through their chain of command.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, Section H, 1, b, states that any knowledge, suspicion, or information regarding sexual abuse, sexual harassment and custodial sexual misconduct shall be reported.

The ADOC provides all first responders a pocket size spiral booklet entitled "Prison Rape Elimination Act (PREA). A Trauma-Informed Guide for First Responders." The booklet provides a quick reference guide to all aspects of the PREA process including the responsibility and role of medical staff to preserve evidence and the process of disseminating information, and to whom.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, Section H, 1, c, indicates an employee or staff member shall not reveal any information related to a PREA incident to anyone other than to the extent necessary to make investigation, management, and treatment decisions. Initial interviews of potential sexual abuse victims should be limited to only information necessary to protect the victim from immediately harm until an Investigator arrived for a more detailed interview.

The Auditor was able to review a copy of the Informed Consent for Medical Services the inmate signs prior to treatment. The consent document released and gave permission to the medical or mental health care provider to provide pertinent and relevant information to individuals who need to know.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 20, Section H, 1, f, declares medical and mental health practitioners shall ensure all inmates are informed prior to the initiation of the service of the limits of their confidentiality and shall report information about sexual victimization to the facility IPCM.

The ADOC provides all first responders a pocket size spiral booklet entitled "Prison

Rape Elimination Act (PREA). A Trauma-Informed Guide for First Responders.” The booklet provides a quick reference guide to all aspects of the PREA process including the responsibility and role of medical staff to preserve evidence and the process of disseminating information, and to whom.

The Auditor reviewed a copy of the Informed Consent for Medical Services the inmate signs prior to treatment. The consent document released and gave permission to the medical or mental health care provider the ability to provide pertinent and relevant information to individuals who need to know.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 20, Section H, 1, g, mandates that any allegation of sexual abuse or sexual harassment involving a youthful inmate or a vulnerable adult inmate under a State statute, shall additionally be reported to the Alabama Department of Human Resources.

Provision (e)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, Section H, 1, b, specifies that any knowledge, suspicion or information regarding sexual abuse or sexual harassment or custodial sexual misconduct shall be reported to the IPCM, PREA Director and the LESD investigator immediately, in accordance with AR302, Incident Reporting.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding staff and agency reporting duties.

115.62 Agency protection duties

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- Transfer of Inmate due to Sexual Safety
- Housing Placement (Housing Designation Log)

Interviews with the following:

- Agency Head or designee (Assistant Deputy Commissioner)
- Warden
- Random Staff

The Auditor interviewed the Assistant Deputy Commissioner who indicated that if she received such information, she would contact the facility where the inmate was housed and if necessary, the inmate could be temporarily transferred while the investigation was completed. If the perpetrator were identified, the perpetrator would be placed in disciplinary segregation pending completion of the investigation.

The Auditor interviewed the Warden, who stated immediate action would be taken to protect the victim (inmate). The victim (inmate) might be moved to another area of the facility or to another facility all together, depending on what was needed to protect the victim. Further the perpetrator, if known, would be placed in their transitional unit, and transferred to another facility.

During random staff interviews, all staff reported if they received an allegation from an inmate, they would immediately separate the victim and the perpetrator, protect the victim, contact their supervisor, and preserve evidence.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, Section J, 1, indicates inmates at high risk for sexual victimization or those who report sexual victimization shall not be placed in involuntary administrative or punitive segregation unless there has been an assessment of all other available alternatives and a determination made that there are no other alternative available.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 10, Section K, 3, specifies the IPCM is responsible for recommending placement and/or transfer of inmates involved in reported incidents of sexual abuse and sexual harassment with the approval of the Warden or designee, and taking immediate action when an inmate is subject to a

substantial risk of imminent abuse.

According to the PAQ in the past 12 months, the agency or facility determined forty-nine times that an inmate was subject to a substantial risk of imminent sexual abuse. It was approximately twelve hours before action could be taken, with the longest being 72-hours, due to staff shortage.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding agency protection duties.

115.63 Reporting to other confinement facilities

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC form 454-F, Reporting to Other Confinement Facilities

Interviews with the following:

- Agency Head or designee (Assistant Deputy Commissioner)
- Warden
- PREA Director (PD)
- Institutional PREA Compliance Manager (IPCM)

Interviews with the Assistant Deputy Commissioner, Warden, PREA Director and the IPCM all confirm any notification received regarding a PREA incident, whether it be sexual abuse or sexual harassment or sexual misconduct that occurred within any ADOC facility will be investigated in accordance with the guidelines of ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016.

During the interview with the Assistant Deputy Commissioner, she stated all allegations received are referred to the Director of Investigations, with contact being made with the IPCM and an investigator is assigned to conduct a review.

The Assistant Deputy Commissioner, Warden, PREA Director and IPCM all indicated once an allegation of sexual abuse or sexual harassment is received from another agency, it is immediately assigned to an investigator to conduct the investigation.

Through the interview process the Warden indicated when the facility receives an allegation from another facility or agency that sexual abuse or sexual harassment occurred at their facility involving another inmate, they will monitor the inmate until the investigation is complete. If it involves a staff member, the staff member would be placed in a no-contact status, until the investigation was complete.

Through the interview process, the Warden indicated that any report of sexual abuse or sexual harassment that occurred at another facility would immediately be met with notification from his office to the office of the Warden from the other facility.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 20, Section H, 1, d, mandates the Warden, upon receiving an allegation that an inmate was sexually abused while confined in

another facility, shall notify the lead of the other facility of the alleged abuse as soon as possible, but no later than 72-hours from receiving the allegation. (See ADOC Form 454-F, Reporting to Other Confinement Facilities.)

According to the PAQ, the facility received zero allegations that an inmate was abused while confinement to another facility.

Provision (b)

The 72-hour notification requirements are the same as indicated in Provision (a).

The IPCM provided a copy of the ADOC Form 454-F, Reporting to Other Confinement Facilities for the Auditor to review.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 20, Section H, 1, d, indicates the Warden is responsible for notifying the other confinement facility and should do so using ADOC Form 454-F, Reporting to Other Confinement Facilities.

Provision (d)

According to documentation received from the facility, in the last twelve months they received zero inmate notifications of sexual abuse or sexual harassment that occurred in another confinement facility. The Warden and the IPCM confirmed this information. The Warden confirmed the form ADOC Form 454-F, Reporting to Other Confinement Facilities would have been provided to the other facility within 72 hours of the inmate reporting the allegation.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding reporting to other confinement agencies.

115.64 Staff first responder duties

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- PREA First Responder Duty Card
- PREA Pocket Guide for First Responders

Interviews with the following:

- Warden
- Custody Staff First Responders
- Non- Custody First Responder

During the interview process the Warden indicated first responder staff have been trained in the PREA process, and frequent training is conducted to ensure competency and compliance.

During staff interviews, all staff, were able to articulate to the Auditor, step-by-step how to respond to a PREA incident. All staff, volunteers and contractors were aware of the mandate to separate the perpetrator from the victim, preserve physical evidence, as well as the area the incident occurred, seek medical aid, as needed, and report the incident to the senior staff member on duty.

During interviews with first responders, all stated they were trained in the PREA process through annual in-service training, on the job training, and staff meetings. Each verbalized the IPCM is constantly reminding them of PREA policies and speaking with them regarding the importance of PREA and sexual safety.

Non-custody staff who were interviewed, all stated they would notify custody staff, separate the victim and the perpetrator, direct the victim and the perpetrator not to do anything to destroy evidence and keep the scene secure until security staff arrived. They all verbalized the importance of, as well as their understanding of the need for confidentiality in all cases.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 17, Section G, 1, a-g, states that upon learning of an allegation of a PREA related incident, the first responder shall:

- a. Ensure the victim(s), aggressor(s), and witness(es) are physically separated.

- b. Protect and preserve the crime scene until appropriate steps can be taken to collect evidence
- c. Request the victim not bathe, wash, brush teeth, eat, drink, smoke, urinate or defecate
- d. Ensure the alleged aggressor not bathe, wash, brush teeth, eat, drink, smoke, urinate or defecate
- e. If the first responder staff is not custody staff, the responder should request the alleged victim not take any actions that would destroy evidence and notify custody staff.
- f. Do not show the alleged victim(s), aggressor(s), or witness(es) any evidence, such as but not limited to, pictures or video footage of the incident, and do not interview any of these parties on the specifics of the incident.
- g. As soon as possible first responders shall notify the Shift Commander of the incident and draft an Incident Report.

All custody staff, non-custody staff and administrative staff interviewed had a First Responder Duty Card. This card is a pocket size laminated card that provides a step-by-step outline of what staff are required to follow when a PREA incident occurs or is reported. Each card provides bulleted items from the PREA policy mentioned in this provision.

The Auditor was provided a copy of the spiral bound pocket booklet entitled "Prison Rape Elimination Act PREA- A Trauma-Informed Guide for First Responders." This booklet was provided to all staff. The booklet is divided into the following sections:

- Intro to PREA
- Definitions
- PREA Components
- Prevention
- Detection
- Response
- Summary and Resources.

Each section gives the staff an overview of all aspects of PREA related issues and responsibilities and roles of first responders, as well as other staff.

Provision (b)

The PAQ reflects there were twenty-three allegations of sexual abuse or sexual harassment in the past twelve months. One was staff-on-inmate sexual harassment allegation that was investigated criminally. After investigation this allegation was

deemed to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. The remaining twenty-two were inmate-on-inmate. Of the twenty-two inmate-on-inmate allegations, one was for sexual harassment and twenty-one were for sexual abuse. The sexual harassment was investigated administratively and determined to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. Of the remaining twenty-one inmate on inmate sexual abuse allegations all were investigated criminally. After investigation one was deemed substantiated, one was deemed unfounded, thirteen were deemed unsubstantiated and six remained open, awaiting DNA results. Eight were referred for prosecution, six of which were referred for prosecution for physical assault. At the time of the audit, all prosecutions had been declined. Inmates had been notified in a timely fashion of the outcome of all completed investigations. Sexual Abuse Incident Reviews had been conducted on all completed sexual abuse investigations.

The PAQ indicates there were nine forensic exams completed in the past twelve months. These exams took place at Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, and were conducted by SAFE/SANE personnel.

The Auditor's review of the PREA training curriculum all staff, volunteers and contractors received identifies whoever received the information first, as a First Responder, including staff, volunteers, and contractors. As a First Responder these individuals are trained to take steps to isolate and contain the situation, secure the scene, separate the alleged victim from the alleged perpetrator, remove all uninvolved parties, relay any observations to the investigators, IPCM or shift commander.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility exceeds the standard regarding staff first responder duties. The agency/facility provide additional materials to first responders to assist them in being effective in their positions and responsibilities.

115.65 Coordinated response

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- PREA First Responder Card
- PREA Pocket Guide for First Responders
- Coordinated Response SOP

Interviews with the following:

- Warden

Through the interview process, the Warden indicated the coordinated response has been identified in the policy ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016. Indicating each item breaks down what the various responsibilities are for the respective staff members and positions. Training is provided routinely through annual in-service training, monthly staff meetings and on the job training. Further, the staff have all been issued PREA First Responder Card and the PREA Pocket Guide for First Responders to keep on their person while at work.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 17, Section G, 1, outlines the responsibilities of a First Responder upon learning of an allegation of a PREA related incident.

According to the PAQ, the facility has developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

The Auditor was provided a copy of the spiral bound pocket booklet entitled "Prison Rape Elimination Act PREA- A Trauma-Informed Guide for First Responders." This booklet was provided to all staff. The booklet is divided into the following sections:

- Intro to PREA
- Definitions
- PREA Components
- Prevention
- Detection

- Response
- Summary and Resources.

Each section gives the staff an overview of all aspects of PREA related issues and responsibilities and roles of first responders.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 18, Section G, 2, the responsibilities of a Shift Commander upon learning of an allegation of a PREA related incident.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 18, Section G, 3, outlines the responsibilities of Medical and Mental Health care personnel upon learning of an allegation of a PREA related incident.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, Section H, 1, outlines the responsibilities of employees and staff when reporting an allegation of a PREA related incident.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 21, Section H, 2, outlines the steps for inmates to report an allegation of a PREA related incident.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, Section I, 1, outlines the roles and responsibilities of the IPCM and investigators in investigations of inmate-on-inmate sexual abuse and staff-on-inmate sexual abuse and harassment.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, Section I, 2, outlines the roles and responsibilities of the IPCM and investigators in investigations of inmate-on-inmate sexual harassment.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding coordinated response.

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Documentation Reviewed:</p> <ul style="list-style-type: none"> • Pre-Audit Questionnaire (PAQ) and supporting documentation provided. • ADOC Administrative Regulation #454 • ADOC Memorandum, Collective Bargaining and PREA Standard 115.66, dated 3/19/19. <p>Interviews with the following:</p> <ul style="list-style-type: none"> • Personnel Director <p>Through the interview process, the Personnel Director indicated corrections officers and other prison staff employed by the ADOC do not have a labor union. Further the ADOC does not engage in collective bargaining with corrections officers or other facility staff.</p> <p>Provision (a)</p> <p>ADOC Memorandum, Collective Bargaining and PREA Standard 115.66, dated 3/19/19, from the agency Personnel Director states corrections officers and other prison staff employed by the ADOC do not have a labor union. Therefore, the ADOC does not engage in collective bargaining with corrections officers or other facility staff.</p> <p>Management does have the right to separate the inmate from a staff member who is the subject of an investigation. This separation can either be temporarily reassigning the employee, redirecting the employee, or restricting the employee from the grounds during the investigation.</p> <p>Provision (b)</p> <p>Auditor is not required to audit this provision.</p> <p>Conclusion:</p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding preservation of ability to protect inmates from contact with abusers.</p>

115.67 Agency protection against retaliation

Auditor Overall Determination: Exceeds Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Form 454-D, Sexual Abuse/Harassment Retaliation Monitoring

Interviews with the following:

- Agency Head or designee (Assistant Deputy Commissioner)
- Warden
- Institutional PREA Compliance Manager (IPCM)

In the interview with the Warden, the Auditor was advised there are multiple measures used to protect inmates and staff from retaliation. These measures include considering and monitoring if the inmate is being given changes in housing assignments, work assignments or an increase in disciplinary reports. The monitoring of staff includes watching for negative performance reviews or work reassignments.

In the interview with the Warden, the Auditor was advised that retaliation is not tolerated in the ADOC or the facility. The Warden as well as the IPCM emphasize to staff and inmates that they are allowed to speak about PREA issues without fear of retaliation. If retaliation does occur, those responsible for the retaliation will be investigated and disciplined.

The interviews with the Assistant Deputy Commissioner, Warden, and IPCM, indicated that these protective measures would include housing changes or facility transfers, placement in protective custody if needed and continuous monitoring of the inmate.

The IPCM indicated status checks are conducted on inmates weekly for retaliation monitoring, for a minimum of 90-days.

The Warden indicated disciplinary action would be taken related to any retaliation and the alleged abuser could be placed in restrictive housing if needed.

Interviews with the Agency Head, Warden, and staff responsible for monitoring retaliation all indicated that protective measures would be taken if an inmate or staff member expressed fear of retaliation.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, Section K, 1, specifies that retaliation in any form for the reporting of, or cooperation with, sexual abuse or harassment

allegations is strictly prohibited.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, Section K, 2, indicates the Warden and the IPCM shall ensure inmates and staff who report sexual abuse, sexual harassment or cooperate with the sexual abuse investigation are protected from retaliation by other inmates or staff.

The IPCM has been identified as the individual who is primarily responsible for monitoring possible retaliation.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, pp. 23-24, section K, outlines the agency's protection against retaliation. Section K2, specifically states that the Warden and IPCM are responsible for ensuring protection against retaliation.

A review of the ADOC 454-D for the two allegations of sexual abuse reported in the previous twelve months that required monitoring indicated that no retaliation was reported.

The IPCM indicated the facility did not have any incidents that required inmates to be transferred due to a PREA related incident for sexual safety, during this reporting period.

Provision (c)

The PAQ indicated that the facility monitors for retaliation and that it does so for at least 90 days.

The PAQ indicated that there had been zero instances of retaliation in the previous twelve months.

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, Section K, 2, a, mandates the Warden and the IPCM shall ensure inmates and staff who report sexual abuse and sexual harassment or cooperate with a sexual abuse investigation are protected from retaliation by other inmates or staff. Moreover, it delegates the primary responsibility to the IPCM for this monitoring; stating the IPCM will monitor the conduct and treatment of inmate(s) or staff for at least 90-days after an incident is reported. The time frame can be extended in thirty-day increments if there is a continuing need.

Provision (d)

The IPCM showed the Auditor ADOC Form 454-D, Sexual Abuse/Harassment Retaliation Monitoring, which would be used to track retaliation if it occurred. This three-page form is divided into thirteen weeks with each week having dedicated space for the date, steps taken to ensure retaliation was not happening and comments by the monitoring staff member. At the end of the form is a space for the

findings of the retaliation monitoring, i.e., monitoring complete – no retaliation found; monitoring complete, retaliation addressed and resolved; continue monitoring for thirty days. The very bottom of the form has a space for the signature of the IPCM monitoring the retaliation and the date.

Provision (e)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, Section K, 2, d, directs that all appropriate measures shall be taken to protect any individual who cooperates with an investigation and expresses fear of retaliation.

Provision (f)

Auditor is not required to audit this provision.

Conclusion:

Considering the fact, the IPCM meets with the inmate weekly for ninety days during the retaliation monitoring period, the Auditor has determined the agency/facility exceeds the standard regarding agency protection against retaliation.

115.68 Post-allegation protective custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Form 454-H, Prison Rape Elimination Act (PREA) Post- Allegation Protective Custody, dated January 4, 2016
- Housing Designation Spreadsheet
- Post Allegation Protective Custody Form
- Restricted Housing Log/Holding Cell/Crisis Cell

Observations during on-site review

During the facility tour, in conversations with staff on duty, it was reported there had ben zero inmate victims of sexual abuse in restrictive housing as a means of involuntary protection or segregation due to an allegation of sexual abuse.

Interviews with the following:

- Facility Head - Warden
- Staff who supervise inmates in segregated housing

The interview with the Warden indicated that it is prohibited to place inmates in involuntary segregated housing after a sexual abuse or sexual harassment allegation. Inmates are only placed in restrictive housing if requested.

Interviews with staff who supervise inmates in segregated housing indicated that there have been zero inmates placed in restrictive housing due to their allegation of sexual abuse.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, Section J, 1, specifies inmates at high risk for sexual victimization or those who report sexual victimization shall not be placed in involuntary administrative or punitive segregation unless there has been an assessment of all other available alternatives and a determination made that there are no other alternative available. (See ADOC Form 454-H, PREA Post Allegation Protective Custody)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 23, Section J, 2, indicates in cases where segregated housing is the only means to protect such an inmate, the inmate shall have access to all programs, privileges, education, and work opportunities, to the

extent p[ossible, and it shall only be until an alternative means of separation from likely abusers can be arranged, a time not ordinarily to exceed thirty days. Furthermore, in these cases the facility shall clearly document:

- a. The basis for the facility's concern for the inmate's safety
- b. The reason why no alternative means of separation can be arranged.

The facility does not have a segregation housing unit. The IPCM stated in the previous twelve months, there have been zero inmates placed in protective custody due to PREA related incidents.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding post allegation protective custody.

115.71

Criminal and administrative agency investigations

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Administrative Regulation #300
- ADOC Standard Operating Procedure Investigations & Intelligence #454
- Alabama Department of Corrections form #454-C
- Investigative Outcomes/Disposition
- Investigative Review Team Meeting Minutes
- Notification to Inmate

Interviews with the following:

- Investigative Staff
- Warden
- PREA Director (PD)
- PREA Compliance Manager (IPCM)

During the interview with the investigator from LESD it was indicated investigations begin immediately following notification from the facility. The same protocols are used regardless of how the incident is reported, whether it is in person, telephonically, third party, by mail or anonymously.

During the interview with investigative staff, it was confirmed specialized training had been provided.

During the interview, the investigator indicated all his investigations follow practically the same investigative format. Interviews with the victim first, then any witnesses, leaving the perpetrator for last. The investigation varies slightly if it is an alleged sexual harassment rather than an alleged sexual assault or sexual abuse.

During the interview, the investigator reported in administrative investigations the evidence is followed as it unfolds. In following the evidence, Investigative staff attempt to determine if staff actions or failure to act contributed to the allegation. All findings are summarized in an investigative report.

During interviews, the investigator reported when it appears a crime may have been committed; all questions immediately stop. The perpetrator is immediately read their Miranda rights and the case, including all evidence, are turned over to the office of the district attorney. At this point, LESD will only conduct compelled interviews after consultation with prosecutors, and a definite determination is made such interviews will not be an obstacle for subsequent criminal prosecution.

During the interview, the investigator said when it seems a crime has been committed the case is referred to the district attorney. The district attorney then decides if it is prosecutable. If so, the case is criminally investigated. Upon the conclusion of the criminal investigation, the case is presented for prosecution.

Through the interview process, the investigative staff reported credibility of anyone involved in the investigation is determined through the investigative process. Everyone is treated as credible and truthful unless the investigation proves otherwise. Polygraphs are not used in the investigative process of PREA cases.

During the interview, the investigator confirmed that if a principle (victim or abuser) is released or terminated from the agency, it in no way alters the investigation. The investigation continues to its natural end regardless of the employment or residence of the individuals involved.

The investigator reported he could not think of a possible situation where an external agency would conduct a sexual abuse investigation inside of an ADOC facility. ADOC is set up in such a manner that it handles all its own administrative and criminal investigations.

Through the interview process, the Warden and the PREA Director both reported they had never known of an outside agency investigating, but if it did occur, they would remain in the loop through the LESD Director. The IPCM indicated he had never had to monitor a case being investigated by an outside agency. He stated if he were to be put in that position, he would take direction from the PREA Director and the Warden.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, and the ADOC Standard Operating Procedure I & I #454, Investigation, and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, require the Department to investigate all allegations of sexual misconduct involving inmates thoroughly, promptly, and objectively under the jurisdiction or authority of the Department. When LESD (formerly I&I) investigate allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations including third party and anonymous reports.

The auditor reviewed documentation confirming the investigators completed the specialized investigative training from the National Institute of Corrections. LESD completes all administrative and criminal investigations. LESD refers all substantiated criminal cases to the local district attorney office and are available, as requested, to work with those authorities to support criminal prosecution of those cases.

The PAQ reflects there were twenty-three allegations of sexual abuse or sexual harassment in the past twelve months. One was a staff-on-inmate sexual harassment allegation that was investigated criminally. After investigation this allegation was deemed to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. The remaining twenty-two were

inmate-on-inmate. Of the twenty-two inmate-on-inmate allegations, one was for sexual harassment and twenty-one were for sexual abuse. The sexual harassment was investigated administratively and determined to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. Of the remaining twenty-one inmate on inmate sexual abuse allegations all were investigated criminally. After investigation one was deemed substantiated, one was deemed unfounded, thirteen were deemed unsubstantiated and six remained open, awaiting DNA results. Eight were referred for prosecution, six of which were referred for prosecution for physical assault. At the time of the audit, all prosecutions had been declined. Inmates had been notified in a timely fashion of the outcome of all completed investigations. Sexual Abuse Incident Reviews had been conducted on all completed sexual abuse investigations.

The PAQ indicates there were nine forensic exams completed in the past twelve months. These exams took place at Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, and were conducted by SAFE/SANE personnel.

Provision (b)

ADOC Standard Operating Procedure I & I #454, Investigation, and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 2, III, C, requires all investigators used by the ADOC to receive special training in sexual abuse investigation pursuant to 115.34 of the Prison Rape Elimination Act.

LESD Investigators receive additional training including interviewing techniques for sexual abuse victims, conducting sexual abuse investigations in a confinement setting, investigation and evidence collection for inmate sexual offenses, sexual harassment, and custodial sexual misconduct. This training is documented and was verified by the Auditor through employee signatures on sign in sheets as well as certificates of completion.

The Auditor reviewed the investigator training records and verified attendance and participation in all mandated training.

Provision (c)

In ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 2, III, it states investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. Furthermore, it states investigators shall interview alleged victims, suspected perpetrators, and witness in person, and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

If it is an alleged sexual assault or sexual abuse incident, the investigator goes to Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, where the victim is being seen. Except in the cases where the SAFE/SANE team collects the evidence, the investigator collects and secures all evidence.

The investigator is trained in evidence collection through the agency's investigator training and NIC training. The Auditor reviewed training records, which confirmed this training.

Provision (d)

ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 3, F, 1, i, states when the quality of evidence supports criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews could be an obstacle for subsequent criminal prosecution.

A printout from Securus Tech confirmed there were no calls made by facility inmates to the PREA hotline to report instances of sexual abuse or sexual harassment.

Provision (e)

ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 2, E, is clear the credibility of the alleged victim, suspect and witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or staff. LESD shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth telling or verification device as a condition of proceeding with the investigation of any allegation.

Provision (f)

ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 3, F, 2 & 3, state administrative investigations shall include an effort to determine whether staff actions or failure to act contributed to the abuse; and shall be documented in written investigative reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.

Information received related that during the past 12-months there have been zero administrative and zero criminal cases.

Provision (g)

ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 3, G, states that criminal investigations shall be documented in a written investigative report that contains a thorough description of physical, testimonial, and documentary evidence with attached copies of all documentary evidence where feasible.

When asked about handling criminal investigation, the investigator reported all steps of the process are thoroughly documented, including investigative steps, interviews, facts, and findings.

In the past twelve months there have been twenty-two criminal investigations

Provision (h)

During the past 12 months there have been eight criminal cases referred for prosecution. At the time of the on-site audit, zero cases had been accepted for prosecuted.

Provision (i)

ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 3, J, states that the departure of the alleged abuser or victim from the employment of the facility or agency, shall not provide a basis for terminating an investigation.

Provision (j)

ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 3, J, requires the agency to retain all written reports referenced in this provision for as long as the individual is incarcerated or employed by the agency, plus five years.

Provision (k)

Auditor not required to audit this provision.

Provision (l)

While the ADOC handles all aspects of the investigations, ADOC Standard Operating Procedure I & I #454, Investigation and Intelligence Division, PREA Sexual Assault Investigations, dated July 16, 2015, p. 3, L, indicates that if an outside agency were to investigate an allegation of sexual abuse within one of its facilities, the facility shall cooperate with the outside investigators. Outside agency involvement is only authorized by and coordinated through LESD and the ADOC Commissioner.

Conclusions:

Based upon the review and analysis of all available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding criminal and administrative agency investigations.

115.72	Evidentiary standard for administrative investigations
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Documentation Reviewed:</p> <ul style="list-style-type: none"> • Pre-Audit Questionnaire (PAQ) and supporting documentation provided. • ADOC Administrative Regulation #454 • ADOC Administrative Regulation #300 <p>Interview with the following:</p> <ul style="list-style-type: none"> • Investigative Staff <p>The Auditor interviewed investigative staff who relayed that during an investigation, all available evidence is collected (physical, from the victim, from the perpetrator, from the scene, interviews, etc.) and submitted to both facility administration and the District Attorney’s Office for their review and consideration.</p> <p>Provision (a)</p> <p>ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, Section I, specifies the standard of proof in all investigations of sexual abuse and harassment is a preponderance of the evidence.</p> <p>ADOC Administrative Regulation #300, Investigations, and Intelligence Division, dated April 18, 2016, p. 5, declares the LSED (formerly I & I) Division shall distribute all investigative reports as follows:</p> <ul style="list-style-type: none"> • Commissioner or designee • Inspector General • Deputy/Associate Commissioners, Institutional Coordinators, Institutional Wardens, as appropriate • District Attorney of county having jurisdiction if incident involved criminal conduct • ADOC official that requested the investigation • Investigations that involve central office personnel will be distributed only to the Commissioner of Corrections. <p>Conclusion:</p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding evidentiary standard for administrative investigations.</p>

115.73 Reporting to inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- Investigative Outcome/Disposition
- Notification to Inmate (Must have Signature)
- Investigative Review Team Meeting

Interview with the following:

- Warden
- Investigative Staff

In interviewing the investigative staff, the Auditor was instructed the ultimate step of the investigation process, takes place after all findings have been determined. At the conclusion of any PREA investigation LESD submits a close out letter to the victim and the perpetrator, advising each of the conclusion of the investigation and the findings. The Warden was asked a similar question and echoed the response of the investigative staff.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, Section H, 2, f, specifies following the LESD investigation into an inmate’s allegation that he or she suffered from sexual abuse, the LESD shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

The PAQ reflects there were twenty-three allegations of sexual abuse or sexual harassment in the past twelve months. One was staff-on-inmate sexual harassment allegation that was investigated criminally. After investigation this allegation was deemed to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. The remaining twenty-two were inmate-on-inmate. Of the twenty-two inmate-on-inmate allegations, one was for sexual harassment and twenty-one were for sexual abuse. The sexual harassment was investigated administratively and determined to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. Of the remaining twenty-one inmate on inmate sexual abuse allegations all were investigated criminally. After investigation one was deemed substantiated, one was deemed unfounded, thirteen were deemed unsubstantiated and six remained open, awaiting DNA results. Eight were referred for prosecution, six of which were referred for prosecution for physical assault. At the time of the audit, all

prosecutions had been declined. Inmates had been notified in a timely fashion of the outcome of all completed investigations. Sexual Abuse Incident Reviews had been conducted on all completed sexual abuse investigations.

Provision (b)

N/A

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 7, Section C, 6, indicates the LESD shall be responsible for informing an inmate of the following information when an inmate alleges that an employee/staff member committed sexual abuse against the inmate:

1. The employee/staff is no longer with the ADOC
2. The employee/staff is no longer at the institution
3. The employee/staff has been indicted on a charge related to the sexual abuse
4. The employee/staff has been convicted on a charge related to the sexual abuse.
5. All Notifications shall be documented.

Provision (d)

There was one inmate-on-inmate sexual harassment allegations. It was investigated administratively. After investigation it was deemed unsubstantiated.

Provision (e)

Information received related that during the past 12-months indicated there were there were twenty-two criminal investigations and one administrative investigation. The specific details are outlined in Provision (a).

Provision (f)

The Auditor is not required to audit this provision.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding reporting to inmates.

115.76	Disciplinary sanctions for staff
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Documentation Reviewed:</p> <ul style="list-style-type: none"> • Pre-Audit Questionnaire (PAQ) and supporting documentation provided. • ADOC Administrative Regulation #454 • ADOC Administrative Regulation #208, Personnel, dated 08/17/05, Employee Standards of Conduct and Discipline • ADOC memorandum, PREA Compliance Standard 115.76, Disciplinary Sanctions for Staff <p>Interviews with the following</p> <ul style="list-style-type: none"> • Warden • Institutional PREA Compliance Manager (IPCM) <p>During interviews with the Warden and the IPCM both, individually and collectively, confirmed during the previous twelve months there had not been any terminations, resignations, or other sanctions against staff for violation of the agency's sexual abuse or sexual harassment or sexual misconduct policies.</p> <p>Provision (a)</p> <p>ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, Section V, 4, a, indicates that if an employee has engaged in the following conduct:</p> <ol style="list-style-type: none"> 1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institutions 2. Has been convicted of engaging or attempting to engage in sexual activity in the community, facilitated by force, overt or implied, threats of force, or coercion, or if the victim did not consent or was unable to consent 3. Has been civilly or administratively adjudicated to have engaged in activity described above <p>ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, Section V, 4, d states employees shall be subject to disciplinary sanctions up to and including termination for violation of the agency's sexual abuse or sexual harassment policies.</p> <p>Provision (b)</p> <p>ADOC Administrative Regulation #208, August 17, 2005, Employee Standards of</p>

Conduct and Discipline provides a detailed description of the standards of conduct and discipline, and the responsibilities, policies and procedures concerning employee behavior and work performance. It also provides a table of disciplinary sanctions as a guide to implement disciplinary action when necessary.

Additionally, ADOC Administrative Regulation #208, August 17, 2005, Employee Standards of Conduct and Discipline includes numerous sample documents relating to personnel matters, such as Notice of Pre-Dismissal Conference, Summary of Pre-Dismissal Conference, Resignation from Employment, as well as a disciplinary matrix ranging from verbal counseling to dismissal.

Provision (c)

ADOC Administrative Regulation #208, August 17, 2005, Employee Standards of Conduct and Discipline indicates disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) shall be commensurate with the nature and circumstance of the acts committed, the staff members disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.

Provision (d)

ADOC Administrative Regulation #208, August 17, 2005, Employee Standards of Conduct and Discipline mandates that all terminations for violations of ADOC's sexual abuse and sexual harassment policies or resignations by staff who would have been terminated for sexual abuse or sexual harassment, if not for their resignation, shall be reported to local prosecutors, unless the activity was clearly not criminal in conformance with Alabama law. ADOC shall also report the staff member to any relevant licensing bodies.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding disciplinary sanctions for staff.

115.77 Corrective action for contractors and volunteers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Administrative Regulation #216, Personnel, dated December 7, 2015
- ADOC memorandum, PREA Compliance Standard 115.77,
- Corrective Action for Contractors and Volunteers
- Training Records for Contractors
- Training Records for Volunteers

Interview with the following

- Warden

During the interview process the Warden disclosed when a PREA issue is brought to his attention, he immediately refers the matter to the Director of LESD for their follow-up. During this time of follow-up and investigation, the contractor and volunteer are not allowed access to the facility pending investigation and review of the matter.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 13, Section V, 4, b, 4, indicates that before hiring a new employee or contractor, the ADOC Personnel Division or designee shall apprise potential employees and contractors that false information or omissions regarding the following misconduct shall be grounds for termination:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institutions
2. Has been convicted of engaging or attempting to engage in sexual activity in the community, facilitated by force, overt or implied, threats of force, or coercion, or if the victim did not consent or was unable to consent
3. Has been civilly or administratively adjudicated to have engaged in activity described above

Moreover, each new employee or contractor must be apprised of their continuing duty to disclose such conduct.

Provision (b)

The IPCM confirmed the facility takes appropriate remedial measures and considers whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. The IPCM further confirmed during the preceding twelve months there were not any incidents of PREA allegations related to volunteers or contractors.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding corrective action for contractors and volunteers.

115.78 Disciplinary sanctions for inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Administrative Regulation #403
- ADOC Inmate Handbook dated September 25, 2019

Interview with the following

- Warden
- Medical Staff

During the interview with the Warden, disciplinary sanctions were discussed. The Warden indicated inmate discipline is based on level of the violation and penalties are imposed comparable to other inmate’s penalties. Penalties might include change of housing assignment, loss of good time credit, and possible prosecution, when appropriate.

During the interview with the Warden, disciplinary sanctions were discussed. The Warden indicated if the inmate has a mental history, mental health staff will be involved to assist in determining appropriate sanctions.

During interviews with medical staff, the Auditor was informed that medical staff can make recommendations for referrals for inmates for therapy, counseling, or other interventions to address underlying issues related to abuse. The inmate’s issues would be addressed during regular counseling sessions or group counseling sessions. Participation in interventions is not a condition for access to other programming or benefits.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, indicates that inmates shall be subject to disciplinary sanctions following a formal disciplinary process to findings that the inmate engaged in inmate-on-inmate sexual abuse to following a criminal finding of guilt for an inmate-on-inmate sexual abuse.

Additional information received provided an overview of the Administrative and Criminal cases, including status. During the past twelve months there was one administrative and twenty-two criminal cases.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, H, 2, e, states that each case shall be carefully evaluated on its merit, considering evidence and circumstances and whether there is any possibility that the alleged incident could have occurred.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, H, 2, e, states that each case shall be carefully evaluated on its merit, considering evidence and circumstances and whether there is any possibility that the alleged incident could have occurred.

Provision (d)

The IPCM reported the facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse. The facility considers whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

Provision (e)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, H, 2, e, states that each case shall be carefully evaluated on its merit, considering evidence and circumstances and whether there is any possibility that the alleged incident could have occurred.

The IPCM indicated the agency disciplines inmates for sexual conduct with staff only upon finding that the staff member did not consent to such contact.

Provision (f)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 22, H, 2, c, specifies an inmate reporting sexual abuse or sexual harassment, shall not be issued a disciplinary report for lying based solely on the fact their allegations were determined to be unfounded or that the inmate later decides to withdraw his allegation.

The IPCM indicated the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Provision (g)

ADOC Rules Violation Definitions and Examples, associated with RV#912 Sexual Offenses (non-Forcible) / Soliciting is defined as the commission of any sexual act during which both participants act willingly, to include touching, hugging, fondling, kissing, etc. The agency prohibits all sexual activity between inmates.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has

	s determined the agency/facility meets every provision of the standard regarding disciplinary sanctions for inmates.
--	----------------------------------------------------------------------------------------------------------------------

115.81 Medical and mental health screenings; history of sexual abuse

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Form 454-C, PREA Risk Factors Checklist
- Risk Assessment Checklist
- Mental Health Referral
- Medical Referral
- Classification Spreadsheet

Interview with the following

- Medical Staff
- Staff who conduct screenings

The Auditor interviewed staff who conduct intake screenings. These staff confirmed inmates are offered a follow-up meeting with a mental health professional, within fourteen days of intake, if the intake screening indicates the inmate is at substantial risk for possible victimization, aggressiveness or has a history of victimization.

The Auditor interviewed staff who conduct the intake screenings and was advised that all medical and mental health records are contained in a separate and secure database. This database is accessed only through medical or mental health staff, and information is only provided to classification and high-level staff on a need-to-know basis.

The Auditor interviewed staff who conduct intake screenings. These staff confirmed inmates are offered a follow-up meeting with a mental health professional, within fourteen days of intake, if the intake screening indicates the inmate is at high risk for possible victimization, aggressiveness or has a history of victimization.

The Auditor interviewed medical staff. These staff confirmed they obtained informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting unless the inmate is under the age of 18.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 15, F, specifies if an inmate has a high risk to be victimized or screens as sexually aggressive a Mental Health Professions shall meet with the inmate and review their screening information. If the screening indicates the inmate has prior sexual victimization or sexual aggression in their history, the Mental Health Professional shall offer a follow-up meeting with Mental

Health within fourteen days of the intake screening.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 16, F, 6 indicates within a set time period, not to exceed thirty days from the inmate's arrival, the inmate shall be re-assessed for risk of victimization or abusiveness using the risk screening assessment and any additional, relevant information received since the intake screening. An inmate's risk level is to also be re-assessed when warranted due to a referral, request, incident of sexual abuse or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

During the document review there were fifty inmate records, chosen randomly from the master roster, with varying arrival dates. From the fifty inmate records were reviewed, a signed and dated documentation of PREA education was retained in every record with the rest of the inmate information. The date of the signature coincided with the date the inmate arrived at the facility. In addition to the orientation packet, all inmates coming through watched the seventeen-minute ADOC PREA video, which is produced in both English and Spanish. All records revealed they were screened within 72-hours of arriving, received thirty-day comprehensive PREA education and were re-assessed within thirty days as required by standard.

Provision (c)

Policy dictates if the screening indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within fourteen days of the intake screening.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 16, F, 9, denotes that all information obtained during the intake screening process and PREA Mental Health Assessment shall be used to make individualize and safety based determinations and assist in the initial classification and institutional assignment of the inmate as well as determine work, education and programs, in accordance with ADOC Classification Manual, AR433 and AR435, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

Provision (e)

The IPCM confirmed medical and mental health practitioners obtained informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting unless the inmate is under the age of 18.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding

	medical and mental health screenings, history of sexual abuse.
--	----------------------------------------------------------------

115.82 Access to emergency medical and mental health services

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016
- ADOC Form MH-008, Referral to Mental Health.
- ADOC MOU with Alabama Coalition Against Rape (ACAR)

Interview with the following

- Medical Staff
- First Responders

Medical staff interviewed by the Auditor reported treatment is provided immediately and is based on their professional judgment. Medical and mental health work together to ensure the inmate received the appropriate treatment. Information about and access to emergency contraception and sexually transmitted diseases prophylaxis, is offered in accordance with professionally accepted standards of care and where medically appropriate.

Interviews with first responders revealed notification is made via the telephone to the medical staff who are on duty when they are informed of - an incident of sexual abuse. The inmate is transferred Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782, if a forensic examination is appropriate.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 18, F, 3, a, specifies that victims of sexual abuse at the facility shall be referred immediately to Medical. Victims shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The IPCM shall also refer an inmate victim immediately to an ADOC Mental Health professional for further treatment and counseling. A referral shall be made utilizing ADOC Form MH-008, Referral to Mental Health.

A Memorandum of Understanding (MOU) has been entered into between the ADOC and the Alabama Coalition Against Rape (ACAR) for the purpose of facilitating services related to implementation of Prison Rape Elimination Act (PREA). ACAR is a community service provider who is being contracted to provide confidential emotional support services related to sexual abuse to inmates within the ADOC custody.

All forensic medical exams and SAFE/SANE (Sexual Assault Nurse/Examiner) personnel are located at Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S,

Birmingham, AL 35222; 205-323-7782. In the unlikely event a SAFE/SANE practitioner is not on shift, one is always on call 24/7 and will report immediately to conduct the rape kit examination, provide results of the exam to ADOC, as well as other issues relative to the SART (Sexual Assault Response Team) exam.

The IPCM confirmed there were nine inmates who were transported for SANE examinations in the past twelve months.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, G, 3, b, dictates that if no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 18, G, 3, mandates that inmate victims of sexual abuse or sexual harassment while incarcerated be offered timely information about access to emergency contraception, pregnancy tests, tests for sexually transmitted infections, and prophylaxis where medically appropriate.

As previously cited in Provision (a) medical and mental health staff interviewed by the Auditor reported treatment is provided immediately and is based on their professional judgment. Medical and mental health work together to ensure the inmate received the appropriate treatment. Information about and access to emergency contraception and sexually transmitted diseases prophylaxis, is offered in accordance with professionally accepted standards of care and where medically appropriate.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 18, G, 3, c, declares treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with an investigation arising out of the incident.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding access to emergency medical and mental health services.

115.83

Ongoing medical and mental health care for sexual abuse victims and abusers

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Form MH-008, Referral to Mental Health
- ADOC MOU with ACAR
- Referral for on-going treatment (Must have inmate signature)

Interview with the following

- Medical Staff

Medical staff interviewed by the Auditor reported treatment is provided immediately and is based on their professional judgment. Medical and mental health work together to ensure the inmate received the appropriate treatment. Information about and access to emergency contraception and sexually transmitted diseases prophylaxis, is offered in accordance with professionally accepted standards of care and where medically appropriate.

Interviews with medical staff support compliance in evaluation, follow-up, treatment plans and referral services. The statement of medical and mental health staff reflects an active understanding of the importance of appropriate evaluation, follow up, treatment planning and service referral.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, G, 3, d, specifies that inmates shall receive medical and mental health evaluations and treatment shall be offered to all inmates who have been victimized by sexual abuse.

A Memorandum of Understanding (MOU) has been entered into between the ADOC and the Alabama Coalition Against Rape (ACAR) for the purpose of facilitating services related to implementation of Prison Rape Elimination Act (PREA). ACAR is a community service provider who is being contracted to provide confidential emotional support services related to sexual abuse to inmates within the ADOC custody.

All forensic medical exams and SAFE/SANE (Sexual Assault Nurse/Examiner) personnel are located at Crisis Center, Inc., Alice Williams Building, 3620 8th Ave S, Birmingham, AL 35222; 205-323-7782. SAFE/SANE practitioners are on staff. In the unlikely event a SAFE/SANE practitioner is not on shift, one is always on call 24/7 and

will report to conduct the rape kit examination, provide results of the exam to ADOC, as well as other issues relative to the SART (Sexual Assault Response Team) exam.

The Auditor reviewed records produced by the facility documenting the community standard of care, the evidence of Sexually Transmitted Infection testing, prophylaxis treatment, psychiatry and psychology services, crisis intervention. These services are free of charge to inmates regardless of whether the abuser is named or whether the inmate cooperates with an investigation.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, G, 3, e, dictates that the evaluation and treatment of such victims shall 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 upon their released from custody.

Provision (c)

Documentation and records review supported attentiveness to follow-up services and treatment plans. The files demonstrated detailed and professional notes on the evaluations conducted by medical and mental health staff and their follow up appointments with inmates. Follow-up consisted of routine inmate visits with medical and mental health staff.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, G, 3, mandates that inmate victims of sexual abuse or sexual harassment while incarcerated be offered timely information about access to emergency contraception, pregnancy tests, tests for sexually transmitted infections, and prophylaxis where medically appropriate.

The IPCM confirmed there had been nine inmates referred for SART examinations by SAFE/SANE practitioners in the previous twelve months.

Provision (e)

N/A - All-male facility.

Provision (f)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, G, 3, mandates that inmate victims of sexual abuse or sexual harassment while incarcerated be offered timely information about access to emergency contraception, pregnancy tests, tests for sexually transmitted infections, and prophylaxis where medically appropriate.

Provision (g)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse

and Harassment, dated January 4, 2016, p. 19, G, 3, e, mandates that all ongoing treatment services shall be 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.

Provision (h)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 19, G, 3, g, states an attempt shall be made to conduct a mental health evaluation of known Inmate-on-Inmate abusers within sixty (60) days of learning of such abuse history and offer treatment. All referrals for mental health shall be made using ADOC Form MH-008, Referral to Mental Health.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding ongoing medical and mental health care for sexual abuse victims.

115.86 Sexual abuse incident reviews

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- ADOC Form 454-E, Sexual Abuse Incident Review
- Sexual Assault Incident Review

Interviews with the following:

- Warden
- Institutional PREA Compliance Manager (IPCM)
- Incident Review Team (IRT)

Through the interview process, the Warden indicated the multidisciplinary IRT consists of intermediate or higher-level facility managers, supervisors, investigators, as well as medical and mental health practitioners. Further the facility is willing to consider and incorporated recommendations from team members.

The Warden, IPCM as well as other members of the Incident Review Team were interviewed. Each team member reported the team would make recommendations for corrections or improvements for shortcomings discovered during the incident review process.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 20, H, 1, k, indicates that a review team, including upper-level management officials, with input from line supervisors, investigators, and medical and mental health practitioners, shall conduct an incident review within thirty days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse or staff-on-inmate sexual harassment.

During the past twelve months, there were twenty-three allegations of sexual abuse or sexual harassment in the past twelve months. One was staff-on-inmate sexual harassment allegation that was investigated criminally. After investigation this allegation was deemed to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. The remaining twenty-two were inmate-on-inmate. Of the twenty-two inmate-on-inmate allegations, one was for sexual harassment and twenty-one were for sexual abuse. The sexual harassment was investigated administratively and determined to be unsubstantiated. A Sexual Abuse Incident Review was not conducted due to this allegation being for sexual harassment. Of the remaining twenty-one inmate on inmate sexual abuse

allegations all were investigated criminally. After investigation one was deemed substantiated, one was deemed unfounded, thirteen were deemed unsubstantiated and six remained open, awaiting DNA results. Eight were referred for prosecution, six of which were referred for prosecution for physical assault. At the time of the audit, all prosecutions had been declined. Inmates had been notified in a timely fashion of the outcome of all completed investigations. Sexual Abuse Incident Reviews had been conducted on all completed sexual abuse investigations.

Provision (b)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 20, H, 1, k, indicates that a review team, including upper-level management officials, with input from line supervisors, investigators and medical and mental health practitioners, shall conduct an incident review within thirty days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse or staff-on-inmate sexual harassment.

See Provision (a) for the details of the Sexual Abuse Incident Reviews.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 20, H, 1, k, indicates that a review team, including upper-level management officials, with input from line supervisors, investigators and medical and mental health practitioners, shall conduct an incident review within thirty days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse or staff-on- inmate sexual harassment.

The multidisciplinary IRT consists of intermediate or higher-level facility managers, supervisors, investigators, as well as medical and mental health practitioners.

See Provision (a) for the details of the Sexual Abuse Incident Reviews.

Provision (d)

The Warden, IPCM as well as other members of the Incident Review Team were interviewed. Each team member reported the team considers the following criteria:

1. Consider whether the allegation or investigation indicates a need to change policy or practice
2. Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, LGBTI identification, gang affiliation, or war motivated by group dynamics
3. Examination of area where incident occurred to assess need for enhancements
4. Assess the adequacy of staffing levels in the area during the different shifts
5. Review of the personnel file of any involved employees (background screening, training, etc.)

6. Assess whether additional monitoring technology should be employed, enhanced, etc.

7. Prepare a report of findings for submission to Monitor, DOJ, PREA Director and IPCM.

See Provision (a) for the details of the Sexual Abuse Incident Reviews.

Provision (e)

The facility implements the recommendations for improvement or documents its reasons for not doing so.

Conclusion:

Based upon the review and analysis of all the available evidence, and the corrective action taken by the facility, the Auditor has determined the agency/facility meets every provision of the standard regarding sexual abuse incident reviews.

115.87 Data collection

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- Survey of Sexual Victimization (Form SSV-2)
- Most Recent Annual Data Report
- Website Address for ADOC <http://www.doc.state.al.us/PREA>

Interview with the following

- Agency Contract Administrator

During the interview process, the agency contract administrator confirmed all contracts to hold ADOC inmates, without exception have the PREA requirement as part of the agreement. Likewise, the ADOC obtains incident-based and aggregated data from each facility.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 24, L, 1, dictates that the data collection requirement include:

1. The procedure for data maintenance and collection for every allegation of sexual abuse and harassment
2. The sources for data collection including the data required by the US DOJ, which includes inmate polling, documentation of announced and unannounced rounds, grievances, reports, investigation files and incident reviews.
3. The instruments used to collect data:
4. The standardized definitions used.
5. The methodology employed to analyze data.
6. The quality control mechanisms to verify data accuracy Provision (b)

The ADOC aggregates all its data submitting all required items according to the US Department of Justice SSV-2 (Survey of Sexual Victimization) and submits all information annually to the US department of Justice.

The Auditor reviewed the most recent annual SSV-2.

Provision (c)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 24, L, 1, dictates that the data collection requirement include:

1. The procedure for data maintenance and collection for every allegation of sexual abuse and harassment
2. The sources for data collection including the data required by the US DOJ, which includes inmate polling, documentation of announced and unannounced rounds, grievances, reports, investigation files and incident reviews
3. The instruments used to collect data:
4. The standardized definitions used.
5. The methodology employed to analyze data.
6. The quality control mechanisms to verify data accuracy.

PREA policy dictates 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. The Auditor was provided a copy of the most recent annual report, which addressed all questions, as required. This report can be located and reviewed on the ADOC website.

Provision (d)

PREA policy mandate the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigative files, and sexual abuse incident reviews. The Auditor was provided a copy of the most recent annual report, which contained relevant areas of concern and noted corrective action items.

Provision (e)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 7, Section D, states the ADOC general Counsel shall be responsible for ensuring that contracts for confinement of inmates include a provision indicating to the contracting entity its obligation to comply with the PREA standards and the ADOC's monitoring of such compliance.

The Alabama Therapeutic Education Facility (ATEF) is a community confinement facility owned and operated by the GEO Group, Inc. GEO contracts with the Alabama Department of Corrections (ADOC) to house their adult male and female offenders. ADOC Contract CD170051713 with GEO Group, 3.39 Prison Rape Elimination Act, states, "Vendor (GEO) shall comply with Alabama Code Section 14-11-31, as well as 28 C.F.R. Part 115, the Prison Rape Elimination Act ("PREA"). The ADOC has a Zero Tolerance Policy toward all forms of custodial sexual misconduct, sexual abuse, and sexual harassment. See Administrative Regulation 454, Inmate Sexual Assault and

Harassment Awareness (Prison Rape Elimination Act (PREA). Any type of conduct - including suspected conduct - that falls within the context of custodial sexual misconduct/sexual abuse, as defined by either the State or Federal laws referenced above, shall be reported immediately to the Warden of Kilby Correctional Facility or his/her designee for conduct involving male Inmates, or the Warden of Tutwiler Correctional Facility or his/her designee for conduct involving female Inmates, as well as the ADOC's PREA Director or designated PREA Contract Monitor. Pursuant to 28 C.F.R. Part 115.12, Vendor is obligated to adopt and comply with all PREA standards and the ADOC shall monitor Vendor for compliance consistent with the compliance conditions set forth above. Vendor shall provide reasonable access to the PREA Contract Monitor; provide relevant documentation as requested; require and provide training of all of its employees, agents, or contractors; and provide a Report from any PREA audit, which shall be performed by an independent, DOJ certified auditor."

Provision (f)

The ADOC aggregates all its data submitting all required items according to the US Department of Justice SSV-02 (Survey of Sexual Victimization) and submits all information on June 30 from the previous calendar year to the US Department of Justice.

The Auditor reviewed the most recent submitted SSV-2, which reflected completion of all data fields within the required timeline.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding data collection.

115.88 Data review for corrective action

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation #454
- 2021 Survey of Sexual Victimization (Form SSV-2)
- 2022 Annual Data Report
- Website Address for ADOC <http://www.doc.state.al.us/PREA>

Interview with the following

- PREA Director (PD)
- Warden
- Institutional PREA Compliance Manager (IPCM)

Through the interview process, the PREA Director (PD) indicated the agency reviews data collected pursuant to 115.87 and assesses the effectiveness of the sexual abuse prevention, detection and response policies, practices, and training. The agency prepares an annual report and posts the information on the website. The PREA Director continued by stating that the only information redacted from the agency report is personal identifying information. All other information is included in the annual report.

Through the interview process, the Warden indicated the facility PREA committee reviews each allegation, and that information is provided to the PREA Director for the annual review. Any issues identified during the Facility PREA committee are addressed at that time.

Provision (a)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 24, L, 1, c, indicates the PREA Director shall review data collected to assess and improve the effectiveness of appropriate ADOC policies and procedures. The PREA Director shall prepare a report on each institution for the Commissioner identifying problem areas, suggesting corrective action, and providing comparison from the previous year's data reports.

Provision (b)

The Auditor reviewed the most recent annual report and found it to follow the PREA standards, including a comparison to the findings in previous reports to assess progress in addressing sexual abuse. This annual report can be located at <http://www.doc.state.al.us/PREA>.

Provision (c)

As required by standard, the ADOC places all annual reports on its website, accessible for public view. <http://www.doc.state.al.us/PREA> allows access to the ADOC PREA webpage, which contains each annual report since 2013.

Provision (d)

The PREA Director indicated that the agency reviews data collected pursuant to 115.87 while only redacting personal identifying information. All other information is included in the annual report.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding data review for corrective action.

115.89 Data storage, publication, and destruction

Auditor Overall Determination: Meets Standard

Auditor Discussion

Documentation Reviewed:

- Pre-Audit Questionnaire (PAQ) and supporting documentation provided.
- ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016
- Alabama Department of Corrections publicly accessible website <http://www.doc.state.al.us/PREA>

Interview with the following

- PREA Director (PD)

During an interview with the PREA Director, the Auditor was advised there are several locations where the ADOC retains data. At the local level, data is retained within a local Risk Management System and access to the system is limited to those staff with a need to know. Additional data is retained at the Agency level as required for completion of the SSV-2, and within the ADOC website for public access.

During an interview with the PREA Director, the Auditor was made aware the agency reviews data collected pursuant to 115.87, and that the only information redacted from the agency report is personal identifying information.

Provision (a)

The agency ensures that incident-based and aggregate data are securely retained.

Agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. <http://www.doc.state.al.us/PREA>

Provision (b)

The ADOC PREA webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at <http://www.doc.state.al.us/PREA>

Provision (c)

The agency report reviewed by the Auditor met PREA compliance standards.

Provision (d)

ADOC Administrative Regulation (AR) #454, Operations & Legal, Inmate Sexual Abuse and Harassment, dated January 4, 2016, p. 26, L, 1, d & e, indicates data shall be

retained securely for ten years and 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 Auditor reviewed data from August 20, 2012, as required by the PREA compliance standard.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding data storage, publication, and destruction.

115.401	Frequency and scope of audits
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Documentation Reviewed:</p> <ul style="list-style-type: none"> • Alabama Department of Corrections publicly accessible website http://www.doc.state.al.us/PREA <p>Interview with the following</p> <ul style="list-style-type: none"> • Agency Head or designee (Assistant Deputy Commissioner) • PREA Director (PD) <p>Provision (a)</p> <p>During an interview with the Assistant Deputy Director, the Auditor was advised each facility within the ADOC had been audited within the previous three (3) year audit cycle. Copies of all audit reports are on the ADOC website for public information and review. ADOC PREA webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at http://www.doc.state.al.us/PREA</p> <p>Provision (b)</p> <p>During an interview with the PREA Director, the Auditor was advised this audit was in the first year of the fourth, three-year audit cycle.</p> <p>ADOC PREA webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Data can be accessed at http://www.doc.state.al.us/PREA</p> <p>Provision (c)</p> <p>N/A</p> <p>Provision (d)</p> <p>N/A</p> <p>Provision (e)</p> <p>N/A</p> <p>Provision (f)</p> <p>N/A</p> <p>Provision (g)</p>

N/A

Provision (h)

During the on-site portion of the audit, the Auditor had complete, unimpeded access to every area of the facility. Throughout the on-site portion of the audit, the IPCM was available to accompany the auditor and give her complete access to any part of the facility she requested to see.

Provision (i)

At all times throughout the audit process, the ADOC and the facility provided the Auditor with all requested information in a timely and complete manner.

Provision (j)

N/A

Provision (k)

N/A

Provision (l)

N/A

Provision (m)

The Auditor was provided a secure, private space to conduct all interviews during the on-site portion of the audit.

Provision (n)

During inmate interviews, all inmates reported they were provided the opportunity to send out confidential mail or correspondence to the Auditor in the same manner as if they were communicating with legal counsel.

Conclusion:

Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding frequency and scope of audits.

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Documentation Reviewed:</p> <ul style="list-style-type: none"> • Alabama Department of Corrections publicly accessible website http://www.doc.state.al.us/PREA <p>Provision (a) N/A</p> <p>Provision (b) N/A</p> <p>Provision (c) N/A</p> <p>Provision (d) N/A</p> <p>Provision (e) N/A</p> <p>Provision (f)</p> <p>ADOC PREA webpage provides multiple reports relative to sexual abuse data from the various facilities in accordance with PREA standards. Previous PREA reports, for all facilities can be accessed at http://www.doc.state.al.us/PREA</p> <p>Conclusion:</p> <p>Based upon the review and analysis of all the available evidence, the Auditor has determined the agency/facility meets every provision of the standard regarding audit contents and findings.</p>

Appendix: Provision Findings		
115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	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
115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes
115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes

115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need	yes

	for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	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
115.13 (c)	Supervision and monitoring	
	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
	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
	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
115.13 (d)	Supervision and monitoring	
	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
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	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

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	yes
115.15 (a)	Limits to cross-gender viewing and searches	
	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

115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	yes
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	yes
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na
115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	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

115.15 (f)	Limits to cross-gender viewing and searches	
	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
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	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
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	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

115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes

115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes

115.17 (h)	Hiring and promotion decisions	
	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
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.18 (b)	Upgrades to facilities and technologies	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	yes
115.21 (a)	Evidence protocol and forensic medical examinations	
	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

115.21 (b) Evidence protocol and forensic medical examinations		
	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
	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
115.21 (c) Evidence protocol and forensic medical examinations		
	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
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	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
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d) Evidence protocol and forensic medical examinations		
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	na
	Has the agency documented its efforts to secure services from rape crisis centers?	yes

115.21 (e)	Evidence protocol and forensic medical examinations	
	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
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	yes
115.22 (a)	Policies to ensure referrals of allegations for investigations	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	Policies to ensure referrals of allegations for investigations	
	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
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes

115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	na
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes

115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	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
	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
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes

115.33 (a) Inmate education		
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b) Inmate education		
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c) Inmate education		
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes
115.33 (d) Inmate education		
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes

115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	
	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
	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
	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
	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

115.34 (c)	Specialized training: Investigations	
	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
115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	yes

115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes

115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes

115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	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
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates?	yes

115.42 (a) Use of screening information		
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b) Use of screening information		
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c) Use of screening information		
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes

115.42 (d) Use of screening information		
	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
115.42 (e) Use of screening information		
	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
115.42 (f) Use of screening information		
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g) Use of screening information		
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes

115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	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
115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes

115.43 (c)	Protective Custody	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d)	Protective Custody	
	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
	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
115.43 (e)	Protective Custody	
	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
115.51 (a)	Inmate reporting	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes

115.51 (b)	Inmate reporting	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	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

115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	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.)	na
115.52 (c)	Exhaustion of administrative remedies	
	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.)	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.)	na
115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	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.)	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.)	na

115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	na
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	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.)	na

115.52 (f)	Exhaustion of administrative remedies	
	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.)	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.)	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.)	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.)	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.)	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.)	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.)	na
115.52 (g)	Exhaustion of administrative remedies	
	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.)	na

115.53 (a)	Inmate access to outside confidential support services	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes

115.61 (a)	Staff and agency reporting duties	
	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
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	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
115.61 (b)	Staff and agency reporting duties	
	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
115.61 (c)	Staff and agency reporting duties	
	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
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	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
115.61 (e)	Staff and agency reporting duties	
	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

115.62 (a)	Agency protection duties	
	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
115.63 (a)	Reporting to other confinement facilities	
	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
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes

115.64 (a)	Staff first responder duties	
	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
	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
	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
	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
115.64 (b)	Staff first responder duties	
	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
115.65 (a)	Coordinated response	
	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

115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	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 limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes

115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	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
	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
	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
	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
	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
	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
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes

115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	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
115.68 (a)	Post-allegation protective custody	
	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
115.71 (a)	Criminal and administrative agency investigations	
	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
	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
115.71 (b)	Criminal and administrative agency investigations	
	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
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes

115.71 (d)	Criminal and administrative agency investigations	
	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
115.71 (e)	Criminal and administrative agency investigations	
	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
	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
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	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
115.71 (g)	Criminal and administrative agency investigations	
	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
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	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

115.71 (j)	Criminal and administrative agency investigations	
	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
115.71 (l)	Criminal and administrative agency investigations	
	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).)	na
115.72 (a)	Evidentiary standard for administrative investigations	
	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
115.73 (a)	Reporting to inmates	
	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
115.73 (b)	Reporting to inmates	
	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.)	na

115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, 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 resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	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
	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
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes

115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	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
115.76 (d)	Disciplinary sanctions for staff	
	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
	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
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes

115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	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
115.78 (d)	Disciplinary sanctions for inmates	
	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
115.78 (e)	Disciplinary sanctions for inmates	
	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
115.78 (f)	Disciplinary sanctions for inmates	
	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
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes

115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	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
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	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
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	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? (N/A if the facility is not a jail).	na
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	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
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes

115.82 (a)	Access to emergency medical and mental health services	
	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
115.82 (b)	Access to emergency medical and mental health services	
	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
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	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
115.82 (d)	Access to emergency medical and mental health services	
	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
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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

115.83 (c)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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

115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	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
115.86 (a)	Sexual abuse incident reviews	
	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
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes

115.86 (d)	Sexual abuse incident reviews	
	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
	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
	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
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.87 (a)	Data collection	
	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
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	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

115.87 (d)	Data collection	
	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
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes
115.87 (f)	Data collection	
	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
115.88 (a)	Data review for corrective action	
	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
	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
	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
115.88 (b)	Data review for corrective action	
	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
115.88 (c)	Data review for corrective action	
	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

115.88 (d)	Data review for corrective action	
	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
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	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
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	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
115.401 (a)	Frequency and scope of audits	
	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

115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.)	yes
	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.)	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.)	na
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes

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