

NATIONAL
PREA
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CENTER



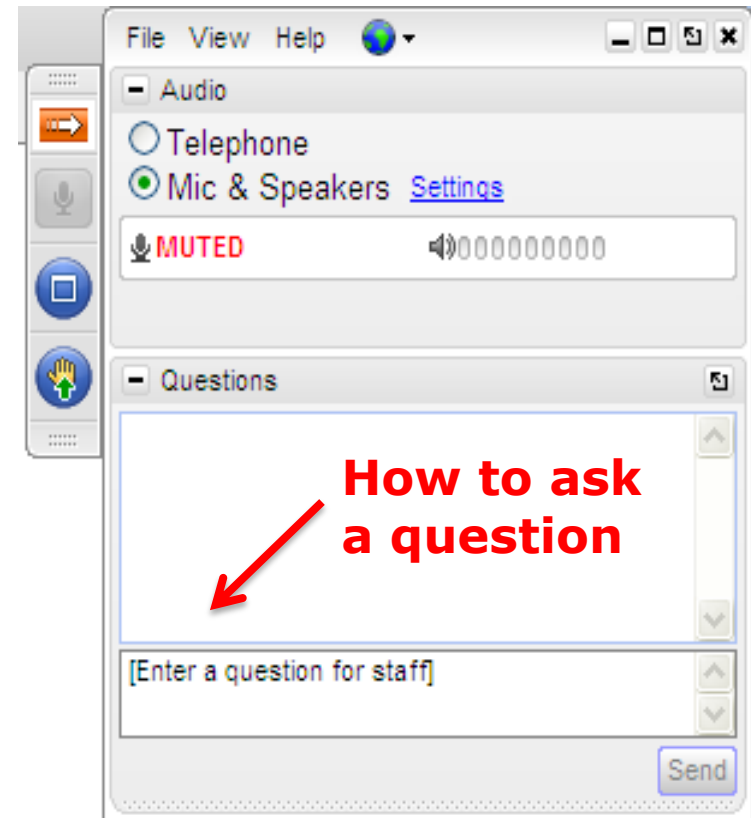
NCCCD | National Council on
Crime & Delinquency

PREA Audit Instrument Introduction June 13, 2013

Logistics

Webinar Information

- Use the question box to ask a question or email Jenni Trovillion at jtrovillion@nccdglobal.org
- If you have technology issues, call Sarah True at 510-874-5531



Mission

The mission of the National PREA Resource Center (PRC) is to assist adult prisons and jails, juvenile facilities, lockups, community corrections and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents and services to victims and their families.

Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

Moderators & Presenters

National PREA Resource Center

- Michela Bowman, Co-Director
- Tara Graham, Senior Program Specialist

Webinar Agenda

Webinar Overview

- PREA Audit Instrument Overview
- Pre-Audit Phase
- On-site Audit
- Post-Audit
- Auditor Information
- Audit Impact
- Questions and Answers

PREA Audit Instrument Overview

Audit Instrument Development

July 2012

- Engaged audit work group
 - Abt Associates
 - American Correctional Association
 - National Commission on Correctional Healthcare
 - National PREA Resource Center
- Met with DOJ to learn role in audit development

October 2012

- Audit listening sessions
 - Forum to discuss audit instrument and what is needed
 - Professional and advocacy organizations

Audit Instrument Development

Summer/Fall 2012

- Audit Work Group developed initial measures for each of the standards
- External review of measures
- Revised measures based on feedback & developed draft interview guides

December 2012

- Beta test at two BOP facilities

January 2013

- Documents revised using feedback from beta tests and expert review of measures

Audit Instrument Development

Winter/Spring 2013

- Documentation checklist developed to assist facilities in audit preparation
- On-going review and revisions to audit tool, pre-audit questionnaire, and interview guides

May 2013

- Finalized audit instrument documents for adult prison and jails made available to the field

Audit Instrument Documents

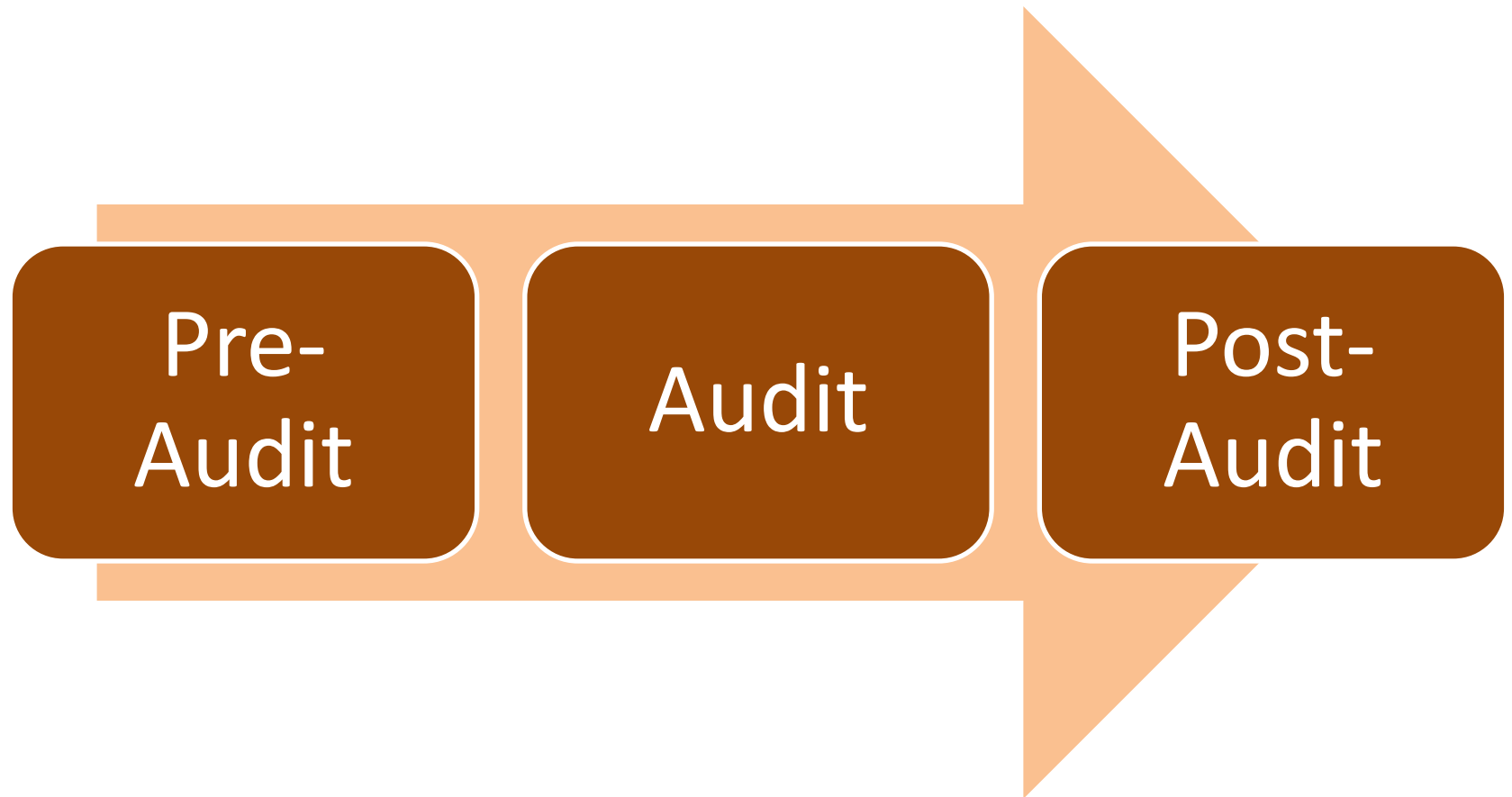
Document List

- Process Map
- Checklist of Documentation
- Pre-Audit Questionnaire
- Auditor Compliance Tool
- Instructions for PREA Audit Tour
- Interview Protocols
- Auditor Report
- Handbook of PREA Prisons & Jails Standards Compliance Measures

The following link will take you to the complete list of documents and an explanation of each on the PRC website: <http://bit.ly/12HDo74>

PREA Audit Phases

Audit Phases



Audit Timeline

Audit Cycle

August 2013

- First audit cycle begins August 20, 2013

August 2014

- First year of the first cycle concludes; second year begins

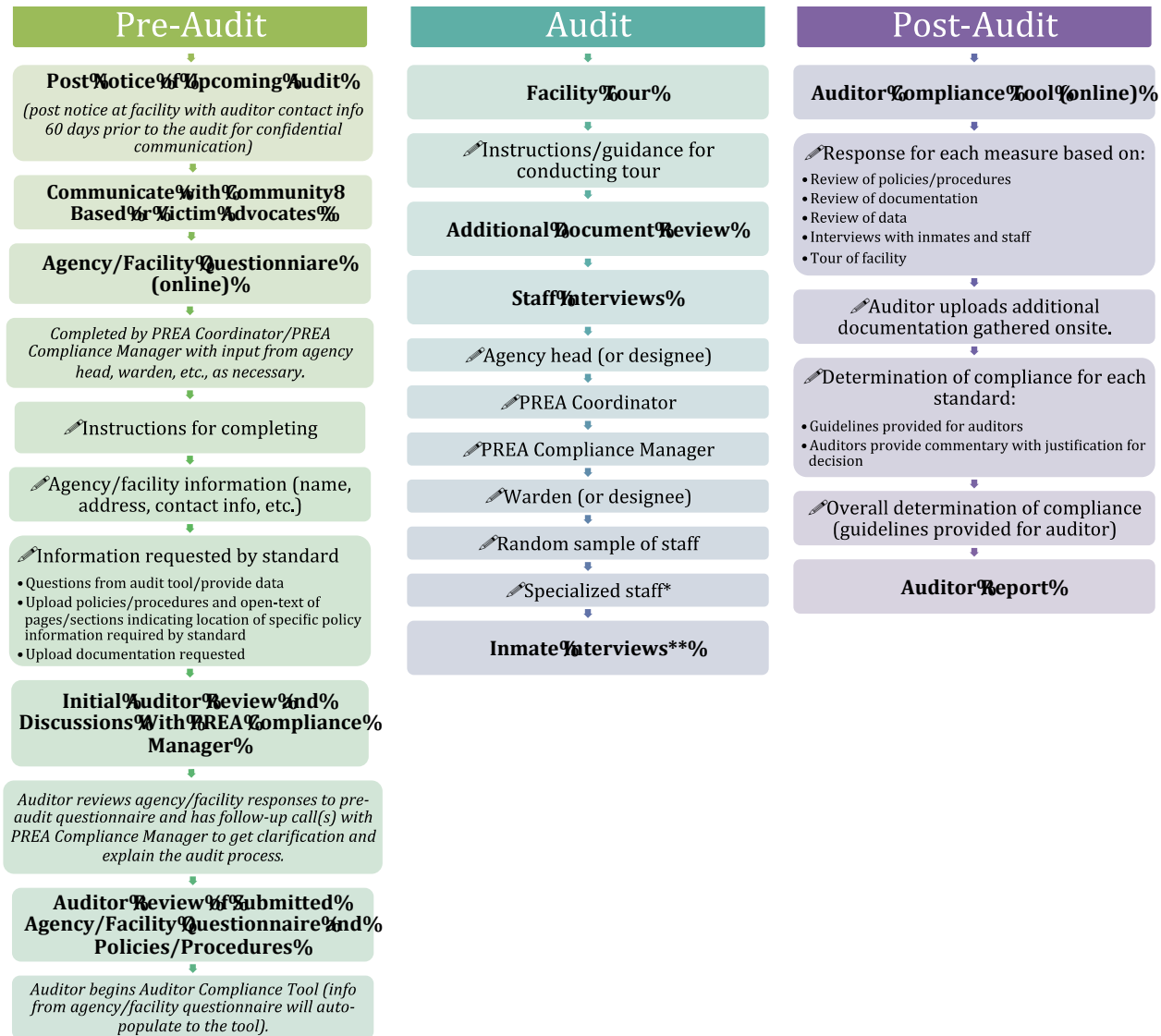
August 2015

- Second year of the first cycle concludes; third year begins

August 2016

- Third year of the first cycle concludes; second audit cycle begins

Audit Process Map



Pre-Audit Phase

Pre-Audit Phase

Pre-Audit Overview

- Identify and contract with auditor
- Post notice of upcoming audit
- Auditor may communicate with community-based or victim advocates prior to the audit
- Agency/facility pre-audit questionnaire
- Initial auditor documentation review and discussions with PREA Compliance Manager
- Auditor review of submitted pre-audit questionnaire and begins to complete Auditor Compliance Tool

Pre-Audit Questionnaire

PREA AUDIT: PRE-AUDIT QUESTIONNAIRE ADULT PRISONS & JAILS

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Original date completed:
Dates revised:
Completed by:
Title:
Date of last agency PREA audit (if applicable):
Date of last facility PREA audit:

AGENCY INFORMATION (IF APPLICABLE)	
Name of agency:	
Governing authority or parent agency: (if applicable)	
Physical address:	
Mailing address: (if different from above)	
Telephone number:	
The agency is:	<input type="checkbox"/> Military <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Private for profit <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Private not for profit
Agency mission: (attach additional pages if necessary)	Upload Attachment
Agency Chief Executive Officer	
Name:	Title:
Email address:	Telephone number:
Agency-Wide PREA Coordinator	
Name:	Title:
Email address:	Telephone number:
PREA coordinator reports to:	
Number of compliance managers who report to PREA coordinator:	
Agency website with PREA information:	
Is the agency accredited by any other organization? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Other	
Number of volunteers and individual contractors currently authorized to enter the facility:	
Number of investigators the agency currently employs for investigating allegations of sexual abuse:	

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Pre-Audit Questionnaire

PREVENTION PLANNING

§115.11 – Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.

115.11 (a)-1	The agency has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment in facilities it operates directly or under contract.	<input type="checkbox"/> Yes <input type="checkbox"/> No	UPLOAD POLICY Page/Section:
115.11 (a)-2	The facility has a policy outlining how it will implement the agency's zero-tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment.	<input type="checkbox"/> Yes <input type="checkbox"/> No	UPLOAD POLICY Page/Section:
115.11 (a)-3	The policy includes definitions of prohibited behaviors regarding sexual assault and sexual harassment.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
115.11 (a)-4	The policy includes sanctions for those found to have participated in prohibited behaviors.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
115.11 (a)-5	The policy includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
115.11 (b)-1	The agency employs or designates an upper-level, agency-wide PREA coordinator.	<input type="checkbox"/> Yes <input type="checkbox"/> No	UPLOAD AGENCY ORGANIZATIONAL CHART
115.11 (b)-2	The PREA coordinator has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
115.11 (b)-3	The position of the PREA coordinator in the agency's organizational structure:		
115.11 (c)-1	The facility has designated a PREA compliance manager.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
115.11 (c)-2	The PREA compliance manager has sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
115.11 (c)-3	The position of the PREA compliance manager in the agency's organizational structure:		
115.11 (c)-4	Person to whom the PREA compliance manager reports:		

Pre-Audit Questionnaire

TRAINING AND EDUCATION	
§115.31 – Employee training.	
115.31 (a)-1 The agency trains all employees who have contact with inmates on the following matters (check all that apply and indicate where in training curriculum this information is covered): <ul style="list-style-type: none"> <input type="checkbox"/> (1) Agency’s zero-tolerance policy for sexual abuse and sexual harassment. <input type="checkbox"/> (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. <input type="checkbox"/> (3) The right of inmates to be free from sexual abuse and sexual harassment. <input type="checkbox"/> (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment. <input type="checkbox"/> (5) The dynamics of sexual abuse and sexual harassment in confinement. <input type="checkbox"/> (6) The common reactions of sexual abuse and sexual harassment victims. <input type="checkbox"/> (7) How to detect and respond to signs of threatened and actual sexual abuse. <input type="checkbox"/> (8) How to avoid inappropriate relationships with inmates. <input type="checkbox"/> (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender-nonconforming inmates. <input type="checkbox"/> (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. 	UPLOAD TRAINING POLICY AND/OR PROCEDURES Page/Section: UPLOAD TRAINING CURRICULUM Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum: Page/Section of training curriculum:
115.31 (b)-1 Training is tailored to the gender of the inmates at the facility.	<input type="checkbox"/> Yes <input type="checkbox"/> No
115.31 (b)-2 Employees who are reassigned from facilities housing the opposite gender are given additional training.	<input type="checkbox"/> Yes <input type="checkbox"/> No
115.31 (c)-1 In the past 12 months, the number of employees assigned to the facility who were trained on the PREA requirements enumerated above:	
115.31 (c)-2 For subsequent audits, the number of employees assigned to the facility who were trained or retrained on the PREA requirements since the last audit:	
115.31 (c)-3 Between trainings the agency provides employees with information about current policies regarding sexual abuse and harassment.	<input type="checkbox"/> Yes, please describe <input type="checkbox"/> No
115.31 (c)-4 How often do employees receive refresher training on PREA requirements?	
115.31 (d)-1 The agency documents that employees understand the training they have received through employee signature or electronic verification.	<input type="checkbox"/> Yes <input type="checkbox"/> No

On-Site Audit

Audit Phase

Auditor Compliance Tool

- Information from agency/facility pre-audit questionnaire will auto-populate to the compliance tool

PREA Audit: Auditor Compliance Tool Adult Prisons and Jails

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Facility audited:
Date completed:
Dates revised:
Completed by:
Title:
Dates of PREA audit:

PREVENTION PLANNING	
§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.	
Auditor Findings	Verification Documents/Data for Auditor Review
<p>115.11 (a) The agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Pre-Audit:</p> <p>QUESTIONNAIRE: The agency has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment in facilities it operates directly or under contract. <i>YES or NO (FROM 115.11(a)-1)</i></p> <p>The facility has a policy outlining how it will implement the agency's zero-tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment. <i>YES or NO (FROM 115.11(a)-2)</i></p> <p>The policy includes definitions of prohibited behaviors regarding sexual assault and sexual harassment. <i>YES or NO (FROM 115.11(a)-3)</i></p> <p>The policy includes sanctions for those found to have participated in prohibited behaviors. <i>YES or NO (FROM 115.11(a)-4)</i></p> <p>The policy includes a description of agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates. <i>YES or NO (FROM 115.11(a)-5)</i></p> <p>POLICY:</p> <p><i>ZERO TOLERANCE (FROM 115.11(a)-1)</i> Refer to page/section: <i>(FROM 115.11(a)-1)</i></p> <p><i>POLICY OUTLINING IMPLEMENTATION PLAN (FROM 115.311(a)-2)</i> Refer to page/section: <i>(FROM 115.311(a)-2)</i></p> <p>AUDITOR NOTES:</p> <hr/> <p>Audit:</p> <p>AUDITOR NOTES:</p>

Auditor Compliance Tool

§115.12 - Contracting with other entities for the confinement of inmates.	
Auditor Findings	Verification Documents/Data for Auditor Review
<p>115.12 (a) A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Pre-Audit:</p> <p>QUESTIONNAIRE: The agency has entered into or renewed a contract for the confinement of inmates on or after August 20, 2012, or since the last PREA audit, whichever is later. <i>YES or NO (FROM 115.12(a)-1)</i></p> <p>All of the above contracts require contractors to adopt and comply with PREA standards. <i>YES or NO (FROM 115.12(a)-3)</i></p> <p>On or after August 20, 2012, or since the last PREA audit, whichever is later:</p> <ul style="list-style-type: none"> · Number of contracts for the confinement of inmates that the agency entered into or renewed with private entities or other government agencies: <i>(FROM 115.73(a)-3)</i> · Number of above contracts that DID NOT require contractors to adopt and comply with PREA standards: <i>(FROM 115.73(a)-3)</i> <p>OTHER DOCUMENTATION: <i>CONTRACTS FOR THE CONFINEMENT OF INMATES ENTERED INTO (OR RENEWED) AFTER AUGUST 20, 2012, OR SINCE THE LAST PREA AUDIT (FROM 115.12(a)-1)</i></p> <p>AUDITOR NOTES:</p> <hr/> <p>Audit:</p> <p>REVIEW: Additional samples of contracts for the confinement of inmates entered into (or renewed) after August 20, 2012, or since the last PREA audit, whichever is later. <i>(UPLOAD IF NECESSARY)</i></p> <p>AUDITOR NOTES:</p>

Auditor Compliance Tool

Overall Determination

Overall Determination:

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

Auditor Comments (including corrective actions needed if does not meet standard):

Auditor Compliance Tool

115.54 – Third-party reporting.		Verification Documents/Data for Auditor Review
Auditor Findings		
115.54 (a) The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.	<input type="checkbox"/> Yes	Pre-Audit: QUESTIONNAIRE: The agency or facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. <i>YES or NO (FROM 115.54(a)-1)</i> Description of the method: <i>(FROM 115.54(a)-1)</i>
	<input type="checkbox"/> No	The agency or facility publicly distributes information on how to report inmate sexual abuse or sexual harassment on behalf of inmates. <i>YES or NO (FROM 115.54(a)-2)</i> Description provided: <i>(FROM 115.54(a)-2)</i>
		OTHER DOCUMENTATION: <i>PUBLICLY DISTRIBUTED INFORMATION (FROM 115.54(a)-2)</i>
		AUDITOR NOTES:
		Audit: AUDITOR NOTES:
Overall Determination: <input type="checkbox"/> Exceeds Standard (substantially exceeds requirement of standard) <input type="checkbox"/> Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period) <input type="checkbox"/> Does Not Meet Standard (requires corrective action)		
Auditor Comments (including corrective actions needed if does not meet standard):		

Audit Phase

On-Site Visit

- Facility Tour
 - Instructions/ Guidance for Conducting Tour
- Additional Document Review
- Staff Interviews
- Inmate Interviews

Audit Phase

Staff Interviews

- Agency Head (or Designee)
- PREA Coordinator
- PREA Compliance Manager
- Warden (or Designee)
- Random Sample of Staff
- Specialized Staff*

Audit Phase

*Specialized Staff Interviews

- Agency contract administrator
- Intermediate- or higher-level facility staff
- Line staff who supervise youthful inmates
- Education and program staff who work with youthful inmates
- Medical and mental health care staff
- Non-medical staff involved in cross-gender viewing or searches
- Administrative (human resources) staff
- SANE/SAFE staff
- Volunteers and contractors who have contact with inmates
- Investigative staff
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing
- Incident review team
- Designated staff member charged with monitoring retaliation
- Security staff and non-security staff first responders

Audit Phase

Inmate Interviews

- Youthful inmates
- Disabled and limited English proficient
- Transgender and intersex inmates
- Gay, lesbian and bisexual inmates
- Inmates at risk of sexual victimization in segregated housing
- Who have reported sexual abuse
- Disclosed sexual victimization

Post-Audit

Auditor Summary Report

Audit Findings

- Following the on-site portion of the audit, the auditor will finalize the Auditor Summary Report
 - May require follow-up communication with facility
- Will contain standard-by-standard determination of findings, including need for corrective action
- Findings will summarize whether or not the facility:
 - Meets standard
 - Exceeds standard
 - Does not meet standard
- Each audit report shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Corrective Action Period

Corrective Action

- Upon receipt of the auditor's report if the facility has not met all of the standards, a 180-day corrective action period begins
- Agency and auditor shall jointly develop a plan to achieve compliance
- Agency must correct the issue and auditor shall verify compliance within the period
- If the agency does not achieve compliance upon verification, it can request another audit once it believes it has achieved compliance

Audit Appeal

Appeals

- Agency may lodge an appeal with DOJ regarding any audit finding
- Must be lodged within 90 days of the auditor's final determination
- If DOJ determines there is good reason for re-evaluation, there may be a re-audit
 - Agency bears cost of the re-audit
- Findings of the appeal are final – these findings cannot be appealed

Public Availability of Reports

Audit Reports

- All audit reports are considered public information
- Agency is required to publish the auditor's final report on its website, or make it otherwise available to the public if no website

Auditor Information

Auditor Certification

Certification

- Auditors will be certified in each of the four facility types based on prior experience:
 - Adult Prisons/Jails
 - Community Confinement
 - Juvenile
 - Lockup
- All auditors shall be certified by DOJ
 - DOJ will certify auditors after they have been trained (normally within 30 days)

Auditor Qualifications

115.402 Auditor Qualifications

(a) An audit shall be conducted by:

- (1) A member of a correctional monitoring body that is not part of, or under the authority of, the agency (but may be part of, or authorized by, the relevant State or local government)
- (2) A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
- (3) Other outside individuals with relevant experience

**The U.S. Department of Justice will issue specific details about auditor qualifications.*

Auditor Training

Training

- Complete a 40-hour training
- First auditor training – June 2013 (by invitation only)
- Second training – November 2013
 - Open application process
 - Application available Summer 2013
 - ~100 trainees per training
- Six additional trainings anticipated in 2014

Auditor Compensation

Auditor Contracting

- Terms of participation negotiated between agency and auditor
 - Compensation
 - Number of facilities
 - Scheduling of audit activities
 - Staff
- DOJ will not set auditor fees
- Agencies are encouraged to have significant discussions with auditors prior to contracting

Auditor Compensation

Contracting Limitations

- Auditor can not have received financial compensation from the agency being audited (except for PREA audits) during the three years previous to the audit
- Following the audit, auditor can not receive other financial compensation from the agency being audited (except for the conduct of the audit) for three years

Auditor Review

Auditor Oversight

- DOJ will utilize experienced auditors to conduct peer review spot checks of the audit methodology and process
 - Spot checks could be at random and/or initiated due to an issue (e.g. complaint, frequency of appeal, etc.)
- Review could result in retraining or decertification
- DOJ can decertify auditors at its discretion

Audit Impact

Scope & Frequency

PREA Compliance and the Audit Cycle

- Compliance with the PREA standards requires compliance with all of the PREA standards including the audit standards (§§ 115.401-115.405)
- Three-year audit cycle
 - One-third facilities audited each year
 - Only one facility – audited first year of three-year cycle

Governor Certification

PREA Standard § 115.501

- Governor certification shall:
 - Consider the results of the most recent agency audits
 - Apply to all facilities in the State under the operational control of the State's executive branch, including facilities operated by private entities on behalf of the State's executive branch

**Guidance on governor certification is forthcoming from the U.S. Department of Justice.*

Forthcoming Audit Instruments

Anticipated Release Schedule

- Juvenile Instrument – July 2013
 - Beta testing complete
 - Undergoing final revisions
- Community Confinement & Lockups – Fall 2013
 - Under development
 - Beta testing – Summer/Fall 2013

Questions & Answers

For More Information

For more information about the **National PREA Resource Center**, visit www.prearesourcecenter.org. Direct questions to info@prearesourcecenter.org

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An archive of today's webinar will be available on the PRC website within 48 hours.

To access the PREA Audit Instrument: <http://bit.ly/12HDo74>

Audit FAQ: <http://www.prearesourcecenter.org/faq#n1053>

Thank you for joining us today!

Evaluation

We would like to ask you to please complete a brief evaluation. It will only take a few minutes to complete and your feedback will help us to better assist you in the future.

Please click the following link to access the evaluation. The link will also be emailed to you. Please forward the link to other participants if you watched as part of a group.

<http://www.surveymonkey.com/s/AuditWebinartEval>

THANK YOU!