

NATIONAL
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CENTER



BJA
Bureau of Justice Assistance
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PREA COMPLIANCE AUDIT TOOL – QUESTIONS FOR INMATES

Prisons and Jails

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GUIDELINES FOR AUDITORS: INMATE INTERVIEWS

Selecting inmates for interview:

Auditors shall interview a **minimum** of 10 inmates during the audit visit. These shall be drawn from different housing units at random. In very large facilities, the auditor will need to interview significantly more than 10 inmates. For example, in a facility with over 5,000 inmates, the auditor will want to interview more than 10, and possibly 20 or more inmates, as required to develop a comprehensive assessment and time permitting. The decision regarding total number of inmates to be interviewed should take into consideration the time available for interviews of both inmates and staff during the visit. On the first day of the site visit, auditor shall request a list of inmates sorted by housing units. Auditor shall select at random at least **one inmate from each housing unit** (in many cases this will be more than 10 inmates) and request that these inmates be brought for an interview at a time to be determined. Interviews shall be conducted in a setting where inmates will feel free to talk without being heard by staff, such as rooms used for attorney visits.

Informing inmates of the audit's purpose and the reason for their requested participation:

Prior to interviewing each inmate, auditor should communicate the following to him or her:

"Thank you for agreeing to meet with me. My name is [first name]. I have been hired by the [name of correction agency] to conduct an assessment of whether or not this facility is in compliance with standards that have been established by the federal government to prevent sexual harassment and abuse. Although the [name of correction agency] hired me, I am an independent auditor and not under the authority of [name of correction agency]. I have been certified by the U.S. Department of Justice to conduct this assessment. I selected your name at random from a list of all inmates and would like to ask you some questions about the facility and the staff. I am interviewing at least 10 other inmates from this facility. I will be asking you questions about facility operations, the staff, and what you know about services that may be available to you. You may choose to not answer any or all of the questions.

"If some of these questions make you uncomfortable or upset, and if you would like to talk to somebody about this, please tell me and I will arrange for you to meet a professional. Alternatively, you may want to request on your own to see the psychologist or counselor to arrange for this. **[IN ADVANCE OF INMATE INTERVIEWS, AUDITOR SHALL DETERMINE THE NAME OF THE MENTAL HEALTH PROFESSIONAL WHO WILL BE AVAILABLE FOR THIS PURPOSE.]**

"Your answers and comments will be kept confidential. I will not share anything you say to me with any of the staff at this or any other institution, or with other law enforcement personnel. I will be reporting my overall impressions of this facility's operations based on what I hear from all inmates and will not identify what any individual inmate tells me.

"The only exception to this is if I am ordered by a court to disclose such information or if you tell me that you are planning to harm yourself or others. If I am told about these plans, I am required by law to notify the authorities.

"In the event that you experience any negative consequences for talking with me, such as retaliation or threatened retaliation, please do not hesitate to contact me. I can be reached **[THIS SHOULD BE THE SAME CONTACT INFORMATION PROVIDED IN ADVANCE OF THE AUDIT VISIT THAT SOLICITS INMATE COMMENTS].**

"Do I have your permission to ask you some questions?"

IF YES, GO TO QUESTIONNAIRE

RANDOM SAMPLE OF INMATES

For questions 1 and 2, ask inmates about staff of the opposite gender viewing inmates (e.g., if the inmate is male, ask about female staff, and if the inmate is female, ask about male staff):

1. Do MALE/FEMALE staff announce their presence when entering your housing area? [115.15]
2. Are you and other inmates ever naked in full view of MALE/FEMALE staff (not including medical staff such as doctors, nurses)? When (examples include using the toilet, showering, changing clothing)? How often? [115.15]

Question #3 should be asked of a random sample of female inmates (for male inmates, skip to question #4):

3. Have you been unable to participate in activities outside of your cell because female staff were unavailable to conduct pat-down searches? [115.15]
4. When you first came here, did you get information about the jail's/prison's rules against sexual abuse and harassment? [115.33]
5. When you came here, were you told about:
 - a. Your right to not be sexually abused or harassed?
 - b. How to report sexual abuse or sexual harassment?
 - c. Your right not to be punished for reporting sexual abuse or sexual harassment?
 - d. About how long after coming here did you get this information? [115.33]
6. When did you first come to this jail/prison?

If the inmate entered the facility within the last 12 months, ask the next two questions, #7 and #8. Otherwise skip to Question #9. Note to auditor: These questions are to ascertain whether or not the inmate was screened for risk at intake, so you may need to probe the inmate about the types of questions they were asked (if any). The following question provides some examples:

7. When you first came here, do you remember whether you were asked any questions like whether you had been in jail or prison before, whether you had ever been sexually abused, whether you are gay, and whether you think you might be in danger of sexual abuse here? [115.41]
 - a. *If the inmate says yes:* When were you asked these questions?
8. Do you know if staff asked you these types of questions again while you have been here? [115.41]
 - a. *If the inmate says yes:* When were you asked these questions?
9. How would you report any abuse or harassment that happened to you or someone else? Is there somebody who does not work at this jail/prison who you could report to about sexual abuse or harassment? [115.51]
10. Do you know if you are allowed to make a report without having to give your name? [115.51]
11. Can you make reports of sexual abuse or harassment either in person or in writing? If yes, can someone else (for example, a friend or relative) make the report for you so that you do not have to be named? [115.51]
12. Have you ever reported, either in person or in writing, sexual abuse or harassment?

If the inmate has filed a grievance, ask questions in INMATES WHO REPORTED A SEXUAL ABUSE section; otherwise continue to the next question.

13. Do you know if there are services outside of this jail/prison for dealing with sexual abuse, if you needed it? [115.53]

If the inmate says yes, ask questions #14-17 following questions. If no, skip to question #18:

14. Can you tell me about what kind of services these are (*probe to see if they know that they have access to victim advocates for emotional support services*)? [115.53]
15. Does the jail/prison give you mailing addresses and telephone numbers for those outside services? *If the inmate says yes, ask the following questions:*
- a. What services? *Probe if this information is provided for local, state, or national victim advocacy or rape crisis organizations and/or immigrant service agencies for persons detained solely for civil immigration purposes.*
 - b. Are the numbers free to call? [115.53]
16. When are you able to talk with people from these services? [115.53]
17. Do you know if what you say to people from these services remains private? Would your contact with them be told to or listened to by someone else? *Probe about any mandatory reporting rules and their awareness of these rules.*
- a. *If the inmate says yes: When would they tell someone else about what you have told them or would someone else listen?* [115.53]
18. Are you aware that the agency cannot require you to take a polygraph as a condition for proceeding with a sexual abuse investigation? [115.71]

YOUTHFUL INMATES

These questions should be asked of youthful inmates confined within the facility who were admitted to the facility in the past 12 months:

1. In your housing area, do you have direct contact with adult inmates? By direct contact I mean that they could touch you or you could touch them? You can see them or they can see you? You can hear them or they can hear you? [115.14]
2. When you are outside your housing area (for example, taking classes, exercising, or at work), do you have direct contact with adult inmates? [115.14]
 - a. If so, is staff always present when you have contact with adult inmates? [115.14]

These questions should be asked of youthful inmates who are held in segregated housing in order to provide sight and sound separation between youthful and adult inmates:

3. Do you think you were placed in this housing area so that you are kept away from adult inmates? [115.14]
4. Are you getting exercise while you are here? How often? [115.14]
5. Are you going to school? How often? [115.14]
6. Are you going to work? How often? [115.14]
7. Are you going to other programs? Can you tell me about those programs? How often do you go? [115.14]

DISABLED AND LIMITED ENGLISH PROFICIENT INMATES

****Note: An interview with limited English proficient or disabled inmates would need to be conducted using the same adaptive measures specified in the PREA Standards. Auditors will need those skills, or they will need to be assisted by interpreters. PREA interview instruments will need to be made available in a form or format specified in the PREA Standards.***

1. Does the jail/prison provide information about sexual abuse and sexual harassment that you are able to understand? [115.16]
2. *If not*, does the jail/prison provide you with someone to help you read, write, speak, or to explain things to you if you need help? [115.16]
3. Does this person help you understand information about your rights in this jail/prison? If yes, who is that person (*probe that they are provided an interpreter; probe if the facility uses inmates as readers/interpreters*)?
 - a. *If the inmate says yes, ask*: Did they help you understand your rights related to sexual abuse, and how to report sexual abuse or harassment? [115.16]

TRANSGENDER AND INTERSEX INMATES; GAY, LESBIAN, AND BISEXUAL INMATES

Questions for transgender and intersex inmates:

1. Did staff here ask you questions about your safety? [115.42] (*Probes: for housing and programmatic decisions, such as when and where education, work, and exercise*).
2. Have you been put in a housing area only for transgender or intersex inmates? Do you have any reason to believe that you were strip-searched for the sole purpose of determining your genital status? [115.15 and 115.42]
3. Are you allowed to shower without other inmates? [115.42]

Questions for Gay, Lesbian, and Bisexual Inmates:

4. Have you been put in a housing area only for gay (lesbian), bisexual, transgender, or intersex inmates? [115.42]

INMATES IN SEGREGATED HOUSING (FOR RISK OF SEXUAL VICTIMIZATION)

These questions should be asked of inmates at risk of sexual victimization who were placed in segregated housing during the past 12 months:

1. Do you feel safe here at this facility? If yes, why? If no, why not? *(Probe about measures that were taken to protect the inmate against retaliation)* [115.67]
2. While you were in segregated housing (by segregated housing I mean when you were separated from other inmates) were you able to:
 - a. Go to programs?
 - b. Go to school/classes?
 - c. Go to work?
 - d. Have other privileges? What privileges? [115.43 and 115.68]
3. About how many days or months were you put in this segregated housing? [115.43 and 115.68]
4. *If the inmate says he/she was held in segregated housing for more than 30 days, ask: Were there any more meetings about whether you needed to be kept in segregated housing?* [115.43 and 115.68]
 - a. If so, about when?
 - b. What took place during these meetings?

INMATES WHO REPORTED A SEXUAL ABUSE

1. How soon after you were sexually abused did someone come to help you? Did you tell someone at the facility about the abuse or did they find out about the abuse in another way? [115.64]
2. Do you feel that staff who first got to the scene after you had been sexually abused responded quickly? [115.64]
3. What did the staff do when they first got to you? [115.64]
4. Did you see a medical or mental health doctor/nurse immediately after you reported the abuse? [115.82]
5. Did the medical or mental health doctor/nurse discuss follow-up services, treatment plans, or, if necessary, referrals for continued care? [115.83]
6. Were you provided information about, and access to, emergency contraception and/or sexual transmitted infection prophylaxis? [115.82]
7. Were you offered tests for sexually transmitted infections? [115.83]
8. Did you have to pay for any treatment related to this incident of sexual abuse (including any co-pays)? [115.83]
9. When you reported a sexual abuse, did the jail/prison allow you to contact anyone? [115.21]
 - a. Who was that person?
 - b. Do you know what office they were from? (*Probe if it was victim advocate services; if it was a staff member; or if it was someone outside of the jail/prison.*)
 - c. How did that person assist you? (*Probes: accompany and support during forensic medical examination, emotional support, crisis intervention, information, and referrals.*)
 - d. Is that person still available to you?
10. Does the jail/prison give you mailing addresses and telephone numbers for those outside services? *If the inmate says yes, ask the following questions:*
 - a. What services? (*Probe if this information is provided for local, state, or national victim advocacy or rape crisis organizations and/or immigrant service agencies for persons detained solely for civil immigration purposes.*)
 - b. Are the numbers free to call? [115.53]
11. When are you able to talk with people who provide these services? [115.53]
12. Do you know if what you say to people at these services remains private? Would your contact with them be told to or listened to by someone else? (*Probe about any mandatory reporting rules and their awareness of these rules.*)
 - a. *If the inmate says yes:* When would they tell someone else about what you have told them or would someone else listen? [115.53]
13. Are you aware that the agency cannot require you to take a polygraph as a condition for proceeding with a sexual abuse investigation? [115.71]
14. Are you aware that the agency/facility is required to notify you as to whether your sexual abuse allegation has been substantiated, unsubstantiated, or unfounded? [115.73]

15. Were you told in writing of any decisions made about your report? [115.52]
16. If yes, about when were you told in writing? [115.52]
17. Do you know that the jail/prison is supposed to tell you of any decision within 90 days of you making a report about sexual abuse? [115.52]
18. If it took longer than 90 days for a decision, did the jail/prison tell in you writing that making a decision would take longer? [115.52]
 - a. If yes, did they tell you by what date they would have a decision?
19. Did your allegation of sexual abuse or harassment concern facility staff or another inmate?

If the allegation involved facility staff and was substantiated or unsubstantiated (i.e., not unfounded), ask:

20. Were you informed when: [115.73]
 - a. The staff member was no longer posted within your unit;
 - b. The staff member was no longer employed at the facility;
 - c. The agency learned that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. The agency learned that the staff member has been convicted on a charge related to sexual abuse within the facility.

If the allegation involved another inmate, ask:

21. Were you informed when: [115.73]
 - a. The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

If the inmate victim is female, ask:

22. Were you offered a pregnancy test after you were sexually abused? [115.83]
23. If you got pregnant as a result of the sexual abuse, were you provided information about, and access to, all pregnancy-related medical services? How quickly was such information and access to services provided? [115.83]

INMATES WHO DISCLOSED SEXUAL VICTIMIZATION DURING RISK SCREENING

1. When you told someone here that you were sexually abused, did he or she ask if you wanted to meet with a medical or mental health care practitioner (a doctor)? [115.81]
 - a. If the inmate says yes: about how long after you told them that you were sexually abused did you meet with a doctor? (*Note: The standard requires that they meet with a doctor within two weeks. You may have to probe about the timing, e.g., was it more than one week?*) [115.81]