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PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR RESIDENTS

Community Confinement Facilities

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GUIDELINES FOR AUDITORS: RESIDENT INTERVIEWS

Selecting residents for interviews:

The auditor shall interview a **minimum** of 10 residents during the audit visit, unless there are too few residents in the facility to make this possible. These individuals shall be drawn from different housing areas/rooms at random. The auditor shall select at random 10 residents from different housing areas/rooms and request that these residents be brought for an interview at a time to be determined. As some residents may be away from the facility during the day (on work release, etc.), the auditor will need to make accommodations to interview a random sample of these residents.

In addition to a random sample of residents, the auditor shall request to interview residents from the following groups (if applicable):

- Disabled And Limited English Proficient Residents
- Transgender And Intersex Residents; Gay, Lesbian, And Bisexual Residents
- Residents Who Reported a Sexual Abuse

This interview guide is meant to provide guidance on the types of residents (see table of contents above) auditors should interview and the types of questions auditors should ask them. However, it may be that some residents can be asked multiple types of questions (e.g., if a resident selected randomly is also a resident who is disabled, that resident may be asked both sets of questions for that resident).

Interviews shall be conducted in a setting where residents will feel free to talk without being heard by staff, such as rooms used for attorney visits.

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

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

“Thank you for agreeing to meet with me. My name is [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 abuse and sexual harassment. Although the [NAME OF CORRECTION AGENCY] hired me, I am an independent auditor and not under the authority of the [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 residents and would like to ask you some questions about the facility and the staff. I am interviewing at least 10 other residents 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.

“As a matter of professional conduct, I will do my very best to protect the confidentiality of the information that you provide to me. Under no circumstances can I be required to turn over my interview notes to the facility if they ask me for them. As I conduct my interviews, I will not be discussing what you tell me with any facility staff. However, you should be aware that if the U.S. Department of Justice wants to examine any of the information that I collect during this audit. I must provide it to them if they ask.

“You should also know that for the final report that I will give to the facility at the end of this audit, I am prohibited from including any personally identifying information of yours in it. The only way that my report could include personally identifying information is if I make a mistake and include it, and I can assure you that I will not make such a mistake. If my final report ends up including personally identifying information by mistake, I have to provide it to the agency if they ask.

“If 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 at **[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 RESIDENTS

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

1. Does MALE/FEMALE staff announce their presence when entering your housing area? [115.215]
2. Are you and other residents 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? [115.215]

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

3. Have you been unable to participate in outside activities or programs because female staff was unavailable to conduct pat-down searches? [115.215]
4. When you first came here, did you get information about the facility's rules against sexual abuse and harassment? [115.233]
5. When you came here, were you told about:
 - a. Your right to not be sexually abused or sexually 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 the information above (a-c)? [115.233]
6. When did you first come to this facility? Were you transferred from another facility? [115.233]

If the resident entered the facility within the last 12 months, ask the next two questions, #7 and #8.

Otherwise skip to Question #9. Note to the Auditor: These questions are to ascertain whether or not the resident was screened for risk at intake, so you may need to probe the resident 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 have ever been sexually abused, whether you identify as being gay, lesbian, or bisexual, and whether you think you might be in danger of sexual abuse here? [115.241]
 - a. If 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? [115.241]
 - a. If YES, when were you asked these questions?
9. How would you report any sexual abuse or sexual harassment that happened to you or someone else? Is there someone who does not work at this facility who you could report to about sexual abuse or sexual harassment? [115.251]
10. Do you know if you are allowed to make a report without having to give your name? [115.251]
11. Can you make reports of sexual abuse or sexual 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? [115.251]

12. Have you ever reported to the authorities, either in person or in writing, that you were sexually abused or sexually harassed while in this facility?

If YES, skip questions 13-17 and go to the RESIDENTS WHO REPORTED A SEXUAL ABUSE section; otherwise continue to the next question.

13. Do you know if there are services available outside of this facility for dealing with sexual abuse, if you needed it? [115.253]

If the resident says YES, ask questions #14-17.

14. Can you tell me about what kind of services these are? [115.253] *(Probe to see if they know that they have access to victim advocates for emotional support services.)*
15. Does the facility give you mailing addresses and telephone numbers for these outside services? *If YES:*
- a. What services? *(Probe if this information is provided for local, state, or national victim advocacy or rape crisis organizations.)*
 - b. Are the numbers free to call? [115.253]
16. When are you able to talk with people from these services? [115.253]
17. Do you know if what you say to people from these services remains private? Would your conversations 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 YES, when could they tell someone else about what you have told them and/or when could someone else listen? [115.253]

DISABLED AND LIMITED ENGLISH PROFICIENT RESIDENTS

****Note to the Auditor: An interview with limited English proficient or disabled residents must be conducted using the same adaptive measures specified in the PREA Standards. The auditor will need those skills, or be otherwise 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 facility provide information about sexual abuse and sexual harassment that you are able to understand? [115.216]
2. If NO, does the facility provide you with someone to help you read, write, speak, or to explain things to you if you need help? [115.216]
3. Does this person help you understand information about your rights in this facility? If yes, who is that person? *(Probe that they are provided an interpreter; if the facility uses residents as readers/interpreters.)*
 - a. If YES, did they help you understand your rights related to sexual abuse, and how to report sexual abuse and sexual harassment? [115.216]

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

Questions for transgender and intersex residents:

1. Did staff here ask you questions about your safety? [115.242] (*Probe 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 residents? Do you have any reason to believe that you were strip-searched for the sole purpose of determining your genital status? [115.215 and 115.242]
3. Are you allowed to shower without other residents? [115.242]

Questions for gay, lesbian, and bisexual residents:

4. Have you been put in a housing area only for gay, lesbian, bisexual, transgender, or intersex residents? (by “transgender,” a person whose gender identity and/or gender expression does not match the sex and/or gender they were assigned at birth; by “intersex,” I mean: an individual born with external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems that do not seem to fit typical definitions of male or female; by “gender non-conforming,” I mean individuals who express their gender in a manner that breaks societal norms for one’s gender (e.g., someone who identifies as a girl/woman but wears clothing typically assigned to boys/men)). [115.242]

RESIDENTS WHO REPORTED A SEXUAL ABUSE

Sample introduction for interviewer: *I'd like to talk with you about how the facility responded to your sexual abuse. I will not ask you details about what happened to you. If at any point you do not want to answer a question or you feel uncomfortable and you do not want to answer any more questions, please let me know. Is it okay with you if I ask you some questions about how the facility responded to what happened to you?*

1. How soon after you were sexually abused did a staff person 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? *(Probe for length of time between a facility learning of abuse and responding (in the event that staff did not learn of the abuse at the time it occurred).)* [115.264]
2. Do you feel that the staff who first got to the scene after you had been sexually abused responded quickly? [115.264]
3. What did the staff do when they first got to you? *(Probe for actions listed in the standard – separate victim and abuser, preserve physical evidence, etc.)*[115.264]
4. Did you have the chance to see a medical or mental health doctor/nurse in a timely fashion after you reported the abuse? [115.282]
5. Did the medical or mental health doctor/nurse discuss with you follow-up services, treatment plans, or, if necessary, referrals for continued care? *(Note to auditor: the standard only requires appropriate follow-up services or treatment plans, and necessary referrals for continued care, so a negative response may not indicate noncompliance.)*[115.283]
6. Were you provided information about, and access to, emergency contraception (for female residents when appropriate) and/or sexually transmitted infection prophylaxis? [115.282]
7. Were you offered tests for sexually transmitted infections? [115.283]
8. Did you have to pay for any treatment related to this incident of sexual abuse (including any co-pays)? [115.283]
9. When you reported a sexual abuse, did the facility allow you to contact anyone? [115.221]
 - 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 facility)*
 - c. How did that person assist you? *(Probe for assistance and support during forensic medical examination, emotional support, crisis intervention, information, and referrals)*
 - d. Is that person still available to you?
10. Does the facility give you mailing addresses and telephone numbers for outside services? *If the resident says YES, ask:*
 - a. What services? *(Probe if this information is provided for local, state, or national victim advocacy or rape crisis organizations)*
 - b. Are the numbers free to call? [115.253]
11. Under what circumstances are you able to talk with people who provide these services? [115.253]

12. Can you communicate (talk or write) with these people in a confidential way? Could your conversations with them be told to or listened to by someone else? *(Note to auditor: the standard requires the facilities to ensure these conversations are held “in as confidential a manner as possible” – which may not be “private.” Therefore, a response of “no” here is not evidence of noncompliance with the standard. Probe about any mandatory reporting rules and their awareness of these rules.)*
- a. If YES, when could they tell someone else about what you have told them or would someone else listen? [115.253]

13. Were you required to take a polygraph test as a condition for proceeding with a sexual abuse investigation? [115.271]

14. Do you know if the agency/facility is required to notify you when your sexual abuse allegation has been substantiated, unsubstantiated, or unfounded? [115.273]

Ask questions #15, #16, #17, and #18 only if the facility has an administrative remedies procedure (usually called a grievance process) and the resident in this case used this process (e.g., filed a grievance) to report sexual abuse.

15. Were you told in writing of any decisions made about your grievance? [115.252]

16. If YES, about when were you told in writing? [115.252]

17. Do you know if the facility is supposed to tell you of any decision within 90 days of you making a grievance about sexual abuse? [115.252]

18. If it took longer than 90 days to reach a decision, did the facility tell in you writing that making a decision would take longer? [115.252]

- a. If YES, did they tell you by what date they would have a decision?

19. Did your allegation of sexual abuse or harassment involve facility staff or another resident?

*If the allegation involved a **staff member and there was no finding that the allegation was unfounded** (auditor should determine whether the allegation was unfounded based on agency/facility documentation, not through direct questioning of the resident), ask question #20:*

20. Were you if and informed when: [115.273]

- 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 had been indicted on a charge related to sexual abuse within the facility; or
- d. The agency learned that the staff member had been convicted on a charge related to sexual abuse within the facility.

If the allegation involved another resident, ask question #21:

21. Were you informed if and when: [115.273]

- a. The agency learned that the alleged abuser had been indicted on a charge related to sexual abuse within the facility; or
- b. The agency learned that the alleged abuser had been convicted on a charge related to sexual abuse within the facility.

If the inmate victim is female and the reported incident involved sexual abuse by a male staff person or resident, ask questions #22 and #23:

22. Were you offered a pregnancy test after you were sexually abused? [115.283]
23. If you became 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? [115.283]
24. Do you feel safe in this facility? If YES, why? If NO, why not?
25. Do you feel protected enough against possible revenge from staff or other residents because you reported what happened to you? (*Probe about measures that were taken to protect the resident against retaliation.*) [115.267]