

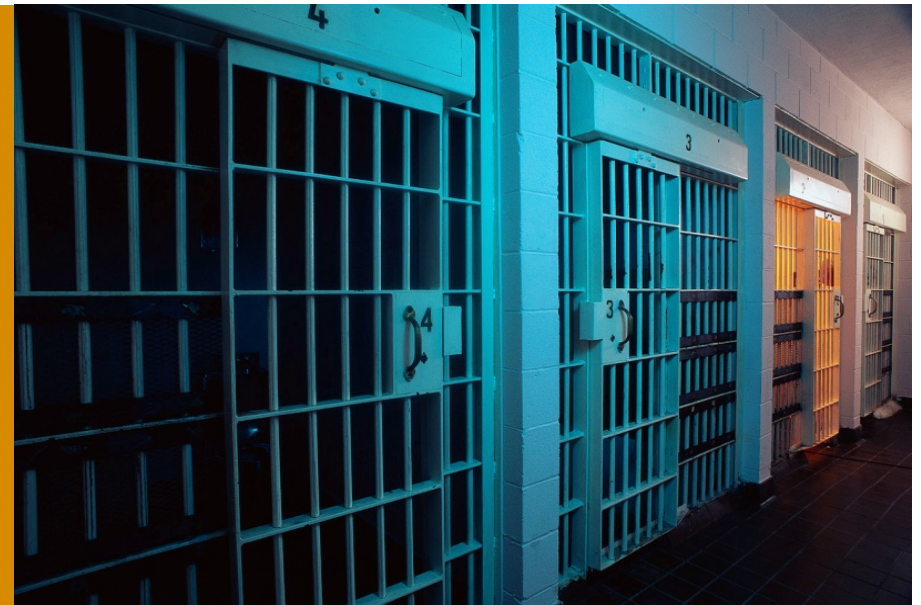
NATIONAL  
**PREA**  
RESOURCE  
CENTER

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Crime & Delinquency



AMERICAN  
**JAIL**  
ASSOCIATION

# DEMYSTIFYING THE JAIL PREA AUDIT PREP AND PROCESS



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# Introductions

- Tom Talbot, Senior Policy Advisor, PREA Management Office, Bureau of Justice Assistance
- Elizabeth Layman, American Jail Association



# Today's Agenda – Webinar Part 2

1. Preparing for the Audit
2. PREA Coordinator Role
3. Audit Preparation Team
4. Working With Your Auditor
5. Audit Instrument – content and examples
6. Interview Protocols
7. Facility Tour
8. Questions and Answers

# PREA Compliance and Audit Timeline

- August 20, 2012:** Standards applicable to state and local facilities effective date.
- August 20, 2013:** Three-year audit cycle begins.
- October 1, 2013:** First date on which federal grant funds may be impacted (FY 2014).
- August 19, 2014:** One third of each facility type must be audited.
- August 19, 2015:** Second third of each facility type must be audited.
- August 19, 2016:** First three-year audit cycle complete. All facilities must be audited.

# What if we did not get an audit by August 2014?

- Continue to work to implement and comply with PREA standards.
- Conduct audit later anyway.
- Follow the next audit cycle for the timing of the next audit for that facility.
- Example: You have only one facility. First audit conducted in January 2015 (second year of audit cycle), but should have been conducted by August 2014 (first year of audit cycle). Conduct next audit in the first year of the next audit cycle (i.e., August 20, 2016 – August 19, 2017), even if three years have not passed.

# How Do We Prepare?

- Make the decision – are you committed to the process?
- Read the standards (including the preamble)
- FAQs
- Assess your operations—do a thorough and honest self-assessment
- Use the audit instrument
- Use the Toolkit for Jails
- Develop an Action Plan
- Find an auditor

# TIPS About AUDITS From Jails Who Have Had Audits

The PREA audit:

- **IS NOT** just a policy-based audit.
- **IS** an audit of your facility culture.

**Positive attitudes** essential to success.

- Believe in the purpose
- Starts with leadership

PREPARE, PREPARE, PREPARE:

- USE THE **TOOLS!**
  - » Audit Instrument
  - » Toolkit for Jails

AUDITORS WERE HELPFUL!

# PREA Coordinator Role

- Main point of contact for auditor.
- Prepare, prepare, prepare—do not wait until the audit.
- Be familiar with all of the components of the audit instrument.
- Know what the auditor will be looking for.
- “Self” audit...observe daily operations, look for documentation, check policy, ask staff and inmates questions.
- Keep leadership informed and in the loop on all PREA matters, not just during the audit.
- See NIC’s e-learning course on the Role of the PREA Coordinator.  
[www.nicic.gov](http://www.nicic.gov)



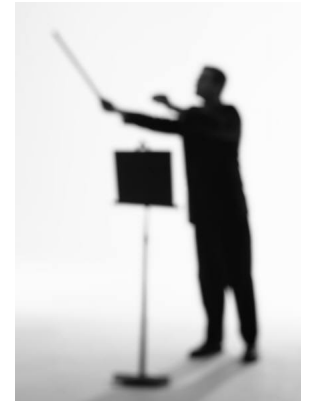
# Audit Preparation Team

- Do not wait until the last minute to form your team.
- Recommended team members to include:
  - » PREA coordinator
  - » Facility administrators
  - » First line supervisors
  - » Line staff
  - » PREA compliance managers (if more than one facility)
  - » Directors/supervisors of the following divisions:
    - Human resources
    - Training
    - Medical
    - Mental health
    - Facility security
    - Agency investigators
    - Classification/intake



# Audit Preparation Team Roles

- PREA coordinator leads the team.
- Meet regularly to assess progress toward PREA compliance within each division.
- Do not wait until the audit is scheduled to get the team together and working.
- Advise agency leadership of progress regularly.
- Have each team member use assessment tools (toolkit, audit instrument) and report back to the team.



# Working With the Auditor

- After auditor is selected and under contract/agreement, set the date.
  - » Auditor will have you post a 60-day notice.
- PREA coordinator will have frequent communication with the auditor during the days leading up to the audit.
  - » Be responsive and prompt.
- Auditor is not the “adversary.” The auditor is working with you to guide your efforts to achieve compliance.
  - » Follow the guidance and recommendations before, during, and after the audit.



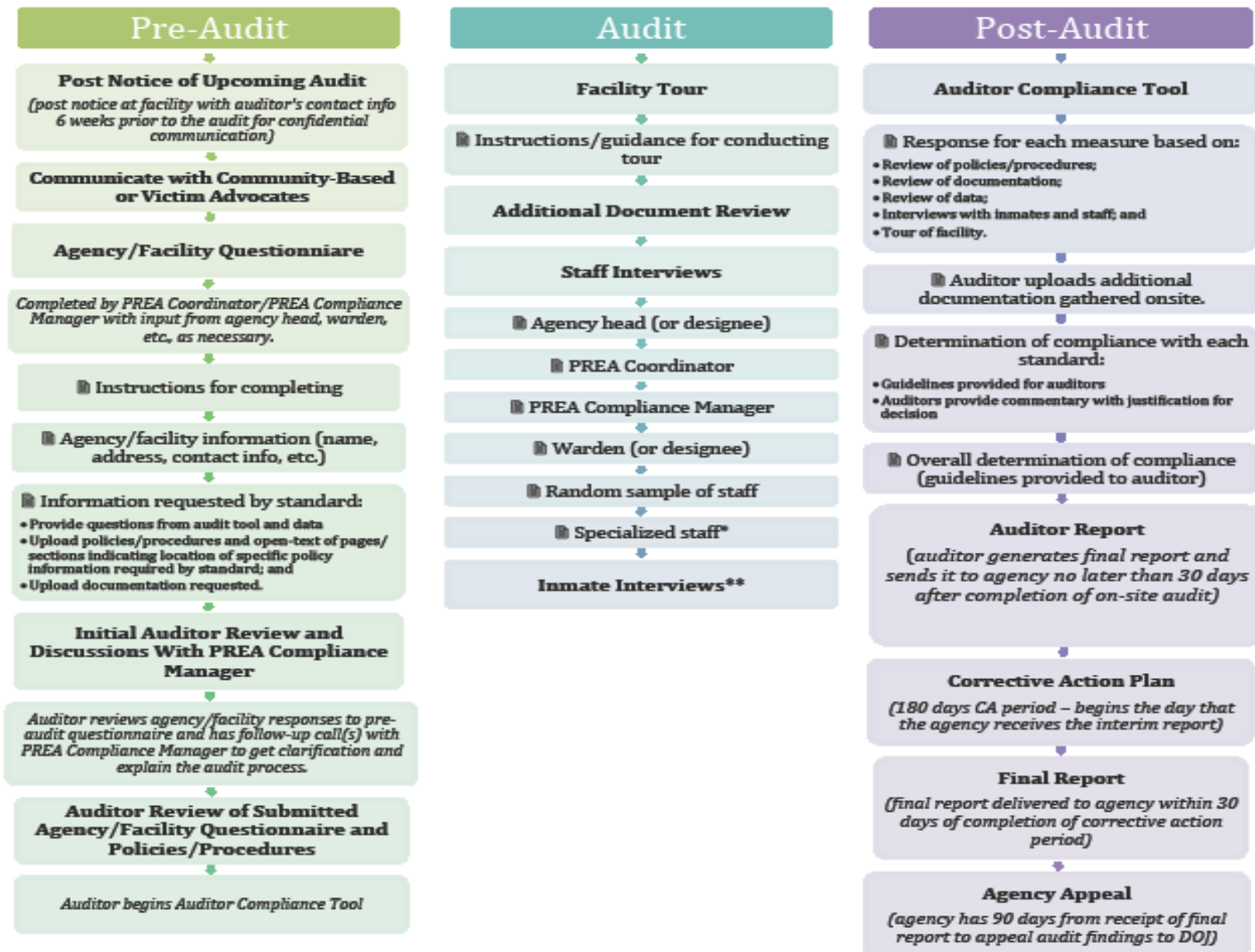
# USING THE AUDIT INSTRUMENT

(The following samples are from the adult  
prisons and jails audit instruments.)

# Contents of PREA Audit and Audit Instrument

- **Map of Audit Process** – informational summary
- **Pre-Audit Questionnaire** – completed by agency prior to auditor arrival
- **Checklist of Policies/Procedures, Documents** – for agency preparation
- **Facility Tour Instructions**
- **Auditor Compliance Tool** – completed by auditor
- **Auditor Report Template** – Final report – public document
- **Interview Protocols** – includes questions

# PREA Audit Process Map



# PREA Audit Process – Pre-Audit

- Post notice of upcoming audit at facility 60 days prior to audit, with auditor's contact information for confidential communication.
- Complete pre-audit questionnaire—done by PREA coordinator and PREA compliance manager(s) with input from agency head, warden, superintendent, and others as needed.
- Initial auditor review—auditor reviews agency/facility responses and documents submitted with pre-audit questionnaire and has follow-up calls with PREA coordinator and/or PREA compliance manager(s) for clarification and to explain audit process.

# PREA Audit Process – During the Audit

- Facility tour – see instructions for facility tour
- Additional document review – where additional clarification and documentation is still needed after the pre-audit process.
- Interviews
  - » Staff
  - » Specialized staff
  - » Random staff
  - » Inmates
    - Random sample
    - Specific sample

**\*\*Auditor responsible for randomly selecting staff and inmates\*\***



# PREA Audit Process – Post-Audit

- Auditor completes the auditor compliance tool.
- Audit makes determination of compliance for each standard. Auditors provide commentary on what was used in determining compliance.
- Auditor generates interim report and submits to agency.
- Corrective action period begins (up to 180 days).
  - » Auditor works with the agency to develop a corrective action plan to achieve compliance with standards that were not met.
- Auditor completes final report at the end of corrective action period.
  - » Agency makes report available to public.
- Agency appeal must be filed with DOJ within 90 days of receipt of final report.

# Sample From Pre-Audit Questionnaire

<b>SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS</b>		
<b>§115.41 – Screening for risk of victimization and abusiveness.</b>		
<b>115.41 (a)-1</b> <b>The agency has a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other inmates.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	UPLOAD SCREENING POLICY Page/Section: (fill in)

# Corresponding Sample From Auditor's Compliance Tool

**115.41 (a)**

**All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.**

☐ Yes

☐ No

## ***Pre-Audit:***

### QUESTIONNAIRE:

The agency has a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other inmates. *YES or NO (FROM 115.41(a)-1)*

### POLICY:

*SCREENING POLICY (FROM 115.41(a)-1)*

Refer to page/section: *(FROM 115.41(a)-1)*

### AUDITOR NOTES:

## ***Audit:***

### INTERVIEW GUIDE(S):

Staff Responsible for Risk Screening – Q: 1

Random Sample of Inmates – Q: 7

PREA Audit Tour: Make observations and ask questions per the Tour Instructions. Note observations, etc.

### AUDITOR NOTES:

## Sample From Checklist of Policies/Procedures/Documents

Standard	PRE-AUDIT	DURING AUDIT
<p>§115.41 – Screening for Risk of Victimization and Abusiveness</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Agency policy governing screening of inmates (upon admission to a facility or transfer to another facility and reassessments).</li> <li><input type="checkbox"/> Screening instrument used to determine risk of victimization or abusiveness.</li> <li><input type="checkbox"/> Records of initial assessment and reassessment for risk of sexual victimization or abusiveness.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Records for inmates admitted to the facility within the past 12 months for evidence of appropriate screening within 72 hours.</li> <li><input type="checkbox"/> Records of initial assessment and reassessment for risk of sexual victimization or abusiveness.</li> <li><input type="checkbox"/> Records of inmates who were reassessed for risk of sexual victimization or abusiveness.</li> <li><input type="checkbox"/> Sample of records of inmates who have been victims or perpetrators of sexual abuse for confirmation of reassessment.</li> </ul>

# Sample From PRE-Audit Questionnaire

## REPORTING

### §115.51 – Inmate reporting.

115.51 (b)-1

**The agency provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.**

☐ Yes

☐ No

UPLOAD  
DOCUMENTATION OF  
AGREEMENT WITH  
OUTSIDE PUBLIC OR  
PRIVATE ENTITY  
RESPONSIBLE FOR  
TAKING REPORTS

# Corresponding Sample – Auditor’s Compliance Tool

<p><b>115.51 (b) - The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.</b></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p><b>Pre-Audit:</b></p>
		<p>QUESTIONNAIRE: The agency provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. <i>YES or NO (FROM 115.51(b)-1)</i></p>
		<p>The agency has a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. <i>YES or NO (FROM 115.51(b)-2)</i></p>
		<p>POLICY:</p>
		<p>RELEVANT POLICY <i>(FROM 115.51(b)-1)</i></p>
		<p>Refer to page/section: <i>(FROM 115.51(b)-1)</i></p>
		<p>RELEVANT POLICY <i>(FROM 115.51(b)-2)</i></p>
		<p>Refer to page/section: <i>(FROM 115.51(b)-2)</i></p>
		<p>OTHER DOCUMENTATION:</p>
		<p><i>DOCUMENTATION OF AGREEMENT WITH OUTSIDE PUBLIC OR PRIVATE ENTITY RESPONSIBLE FOR TAKING REPORTS (FROM 115.51(b)-1)</i></p>
<p>AUDITOR NOTES:</p>		
<p><b>Audit:</b></p>		
<p>INTERVIEW GUIDE(S):</p>		
<p>PREA Compliance Manager – Q: 7, 8</p>		
<p>Random Sample of Inmates – Q: 9, 10</p>		
<p>PREA Audit Tour:</p>		
<p>Make observations and ask questions per the tour instructions. Note observations, etc.</p>		
<p>REVIEW: Information provided to inmates detained solely for civil immigration purposes.</p>		
<p>AUDITOR NOTES:</p>		

# Interview Protocols

- Majority of auditor time onsite will be spent conducting interviews.
- Coordinate ahead of time with the auditor concerning where and how the interviews will be scheduled and conducted.
- It is essential to be prepared and structured to be efficient and prompt concerning interviews.

**Remember that the auditor is responsible for randomly selecting staff and inmates to interview.**

# Interview Protocols - Staff

- Agency Head (or Designee)
- PREA Coordinator
- PREA Compliance Manager(s) at each facility
- Warden (or Designee)
- Random Sample of Staff
  - » A minimum of 10 correctional officers (more depending on size of facility)
  - » Line staff from different units and assignments



# Interview Protocols – Specialized Staff

- Contract administrator/monitor
- Intermediate or higher level facility staff
- Line staff who supervise youthful inmates
- Education/Program staff who work with youthful inmates
- Medical and mental health staff
- Non-medical staff who conduct cross-gender strip or visual searches
- Human resources

# Interview Protocols – Specialized Staff (cont'd.)

- Volunteers and contractors who have contact with inmates
- Investigative staff
- Staff who screen for risk of victimization/abusiveness
- Staff who supervise segregated housing
- Incident review team
- Staff who monitor for retaliation
- Security and non-security staff who have been first responders
- Intake staff

# Interview Protocols – Random Staff

Sample questions from the audit instrument:

6. How can staff privately report sexual abuse and sexual harassment of inmates? *(115.51)*
7. How can inmates privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, or staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment? *(115.51)*

# Interview Protocols – Specialized Staff (cont'd.)

Sample questions from the audit instrument:

## **QUESTIONS FOR AGENCY CONTRACT ADMINISTRATOR**

1. How do you monitor new and renewed contracts for confinement services to determine if the contractor complies with required PREA practices? [115.12]
2. Have PREA compliance results been completed for each contract entered into agreement within the past 12 months? [115.12]
3. Have contract facilities completed and submitted PREA compliance results?
  - a. If not, are they scheduled to be completed within the contracting agency's three-year cycle?

# Interview Protocols - Inmates

Random sample:

- At least 10 inmates
- One per housing unit
- Others as needed

Specific sample – inmate from each of the following groups:

- LGBTI, youthful inmates, disabled, LEP, segregated housing, those who reported sexual abuse, those who disclosed prior abuse at screening

# Interview Protocols – Random Sample of Inmates

Sample questions from the audit instrument:

1. Do MALE/FEMALE staff announce their presence when entering your housing area? [115.15]
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 with being gay, lesbian, or bisexual, and whether you think you might be in danger of sexual abuse here? [115.41]
  - a. If YES, when were you asked these questions?

# Interview Protocols – Specific Sample of Inmates

Example from the audit instrument:

*Questions for transgender and intersex inmates:*

1. Did staff here ask you questions about your safety? [115.42]  
*(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 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]

# PREA Audit – Facility Tour

## **AREAS TO BE TOURED:**

1. Intake/reception/screening areas
2. All housing units, including cell blocks and dormitories
3. Segregated housing units (SHUs)
4. Healthcare areas (medical and mental health clinics, infirmaries, and housing units)
5. Recreation areas, cafeteria (if there is one), work areas, and other programming areas (e.g., education or special education areas)
6. Areas where youthful inmates are housed
7. Areas that were renovated, modified, or expanded



# PREA Audit – Facility Tour

## Sample Auditor Instructions

### Things to look for and questions to ask in general housing areas:

#### LOOK

- Are there signs telling inmates/detainees of their right to be free of sexual abuse?
- Are there signs telling inmates/detainees how to report incidents of sexual abuse?
- Are signs posted in languages other than English?
- Where are cameras placed?
- Do they have a line of sight into cells and/or toilet and shower areas?
- Is any other monitoring technology used?

# PREA Audit – Facility Tour

## Sample Auditor Instructions (cont'd.)

### Things to look for and questions to ask in general housing areas:

#### ASK

#### *Officers on duty:*

- Do supervisory staff perform unannounced rounds?
- Do staff/officers of the opposite gender knock and announce when they enter the housing unit any time there is a change in the status quo of the gender of supervision?
- Do transgender and intersex inmates shower separately from other inmates?

# PREA Audit – Facility Tour

## Sample Auditor Instructions (cont'd.)

### Things to look for and questions to ask in general housing areas:

#### ASK

##### *Inmates/detainees:*

- Do you know how to report an incident of sexual abuse?
- Do supervisory staff walk through this unit? How often?
- Do staff/officers of the opposite gender knock and announce when they enter the housing unit any time there is a change in the status quo of the gender of supervision?
- Can you change your clothes, use the toilet, and shower without staff/officers of the opposite gender watching you?

##### *Transgender/Intersex inmates/detainees:*

- Are you able to shower separately from other inmates/detainees?

# Corrective Action Period

- Upon receipt of auditor's report, if facility has not met all of the standards, a 180-day corrective action period begins. (Note: Compliance can be achieved before the 180 days is complete.)
- Developing the corrective action plan is a joint process between the agency and auditor.
- Agency must correct all issues and auditor shall verify compliance within the 180-day time period to achieve full compliance.
- If the agency does not achieve compliance upon verification, it can request another audit once it believes it has achieved compliance.
- Corrective action period is NOT a bad thing!

# Audit Appeal

- Agency may lodge an appeal with DOJ regarding any audit finding.
- Appeal 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 the cost of the re-audit.
- Findings of the appeal are final and cannot be appealed.

# Public Availability of Reports

## **Audit Reports**

- Final 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 Report – Available to Public

## **Will contain the following general information:**

- Number of standards exceeded
- Number of standards met
- Number of standards not met

For each standard:

- 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 Report – Available to Public (cont'd.)

Will contain the following, more specific information:

- Auditor comments, including corrective actions needed if does not meet standard.
- Detailed narrative documenting all that was used to make the determination. Someone external to the agency should be able to clearly understand how the determination was made.



# Questions?



# Resources and More Information

For more information about the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). Direct questions to [info@prearesourcecenter.org](mailto:info@prearesourcecenter.org).

To request technical assistance, complete the form accessed here: <http://www.prearesourcecenter.org/training-technical-assistance/request-for-assistance>

For assistance, contact one of the following.

Tara Graham  
Senior Program Specialist  
[tgraham@nccdglobal.org](mailto:tgraham@nccdglobal.org)

Dave Gaspar  
Senior Program Specialist  
[dgaspar@nccdglobal.org](mailto:dgaspar@nccdglobal.org)

Peg Ritchie  
Senior Program Specialist  
[pritchie@nccdglobal.org](mailto:pritchie@nccdglobal.org)

For more resources and assistance, contact [www.aja.org](http://www.aja.org).



# PREA Coordinators

If your agency has a designated PREA coordinator, please share his/her contact information with the American Jail Association (AJA) at [www.aja.org](http://www.aja.org).

AJA will also be sending out a blast email to everyone who signed up for the webinars and to their membership to request this information.

Other AJA PREA activities as part of the PRC partnership:

- PREA FACT Bulletins – handy guidance for certain aspects of implementation of PREA standards
- Field-initiated training and technical assistance
- More webinars, dates, and topics to be announced later



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