

NATIONAL
PREA
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CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR DETAINEES

Lockups

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GUIDELINES FOR AUDITORS: DETAINEE INTERVIEWS

Selecting detainees for interviews:

The auditor shall attempt to interview 10 detainees during the audit visit to the extent the size of the facility and the numbers of detainees available for interviews allow this. These individuals shall be drawn from different cells or units at random. The decision regarding total number of detainees to be interviewed should take into consideration the time available for interviews of both detainees and staff during the visit, and also whether detainees have been at the facility long enough that an interview will not interrupt a stressful period for them. Many, if not most, detainees in lockups will not be at the facility for a long period of time, and their arrest will most likely be new and the biggest concern to them when you interview them, so you should be sensitive to these issues when you ask detainees if they will speak with you. On the day you intend to conduct detainee interviews, the auditor shall request a list of detainees sorted by cells or housing units. The auditor shall select at random at least **one detainee from each cell or housing unit** (depending on how the facility is arranged) and request that these detainees be brought for an interview at a time to be determined.

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

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

Prior to interviewing each detainee, 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 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 AGENCY] hired me, I am an independent auditor and not under the authority of the [NAME OF 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 detainees and would like to ask you some questions about the facility and the staff. I am interviewing at least 10 [or x, if other] detainees 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 DETAINEE INTERVIEWS, AUDITOR SHALL DETERMINE THE NAME OF THE MENTAL HEALTH PROFESSIONAL WHO WILL BE AVAILABLE FOR THIS PURPOSE.]**

"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 DETAINEES

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

1. Does MALE/FEMALE staff announce their presence when entering an area where you may be showering, using the toilet, or changing clothing? [115.115]
2. Are you and other detainees 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? [115.115]
3. When you first arrived at this facility, did you get information about the facility's rules against sexual abuse and sexual harassment? [115.132]

Note to the Auditor: Question #4 is to ascertain whether or not the detainee was screened for risk at intake, so you may need to probe the detainee about the types of questions they were asked (if any). The following provides some example questions:

4. When you arrived at this facility, did anyone ask you questions about whether you felt safe or whether you had a concern about your safety? Did they ask any other questions about your history before placing you in a cell? [115.141]
 - a. If YES, when were you asked these questions?
5. 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? [115.151]
6. Do you know if you are allowed to make a report without having to give your name? [115.151]
7. 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? [115.151]

JUVENILE/YOUTHFUL DETAINEES

1. In this facility do you have any contact with adult detainees? (Probe: held separately from adult detainees). [115.114]

DISABLED AND LIMITED ENGLISH PROFICIENT DETAINEES

****Note to the Auditor: An interview with limited English proficient or disabled detainees 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? [115.116]
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? [115.116]
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 detainees 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? [115.116]

TRANSGENDER AND INTERSEX DETAINEES

Questions for transgender and intersex detainees:

1. Do you have any reason to believe that you were strip-searched for the sole purpose of determining your genital status? [115.115]