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PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR INMATES

Prisons and Jails

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GUIDELINES FOR AUDITORS: INMATE INTERVIEWS

Selecting inmates for interviews:

The auditor shall interview a **minimum** of 10 inmates during the audit visit. These individuals shall be drawn from different housing units at random. In 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 need to interview more than 10, and possibly 20 or more inmates, as required to develop a comprehensive assessment with 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, the auditor shall request a list of inmates sorted by housing units. The 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, 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 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.]**

"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 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 was unavailable to conduct pat-down searches? [115.15]
4. When you first came here, did you get information about the facility'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 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)? [115.33]
6. When did you first come to this facility?

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 the 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 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?
8. Do you know if staff asked you these types of questions again while you have been here? [115.41]
 - 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? [115.51]
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 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? [115.51]

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 the INMATES 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? [115.53]

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

14. Can you tell me about what kind of services these are? [115.53] *(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 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 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? [115.53]

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? Can you see them or can they see you? Can you hear them or can they 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 YES, 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 to keep you 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 to the Auditor: An interview with limited English proficient or disabled inmates 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? [115.16]
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? [115.16]
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 inmates 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? [115.16]

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] *(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]
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 (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).) [115.42]

INMATES PLACED IN SEGREGATED HOUSING (FOR RISK OF SEXUAL VICTIMIZATION/WHO ALLEGE TO HAVE SUFFERED SEXUAL ABUSE)

These questions should be asked of inmates who were placed in segregated housing during the past 12 months due to risk of sexual victimization or because he/she alleged to have suffered sexual abuse:

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, and by segregated housing I mean when you were separated from other inmates, were you able to *(Note to auditor: the standard only requires that these programs/privileges be made available "to the extent possible," so a negative response does not indicate noncompliance with the standard.)*:
 - 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 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

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. Please let me know if at any point you do not want to answer a specific question, feel uncomfortable, or do not want to answer any more questions. 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?
 - a. 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.)* [115.64]
2. Do you feel that the 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? *(Probe for actions listed in the standard – separate victim and abuser, preserve physical evidence, etc.)* [115.64]
4. Did you have the chance to see a medical or mental health doctor/nurse in a timely fashion after you reported the abuse? [115.82]
5. Did the medical or mental health doctor/nurse discuss with you follow-up services, treatment plans, or any, 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.)* [115.83]
6. Were you provided information about, and access to, emergency contraception and/or sexually 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 facility 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 community-based victim advocate; 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 inmate says YES, ask:*
 - 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. Under what circumstances are you able to talk with people who provide these services? [115.53]

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? [115.53]
13. Were you required to take a polygraph test as a condition for proceeding with a sexual abuse investigation? [115.71]
14. Do you know if the agency/facility is required to notify you when your sexual abuse allegation has been substantiated, unsubstantiated, or unfounded? [115.73]
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]

Ask questions #17 and #18 only if the agency/facility is not exempt from 115.52.

17. Do you know if the facility 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 to reach a decision, did the facility tell you in writing that making a decision would take longer? [115.52]
 - a. If YES, did they tell you what date they would have a decision?
19. Did your allegation of sexual abuse or harassment involve facility staff or another inmate?

*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 informed if and 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 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 inmate, ask question #21:

21. Were you informed if and when: [115.73]
 - a. The agency learned the alleged abuser had been indicted on a charge related to sexual abuse within the facility; or
 - b. The agency learned 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? [115.83]

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? [115.83]
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 inmates because you reported what happened to you? *(Probe about measures that were taken to protect the inmate against retaliation.)* [115.67]

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 YES, about how long after you told them that you were sexually abused did you meet with a doctor? [115.81] *(Note to the Auditor: 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?)*