PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR A RANDOM SAMPLE OF STAFF

Prisons and Jails

April 18, 2014

GUIDELINES FOR AUDITORS: RANDOM STAFF INTERVIEWS

Selecting staff for interview:
During the onsite visit, auditors shall interview a minimum of 10 correctional officers who have contact with adult inmates. In very large facilities, the auditor will need to interview significantly more than 10 correctional officers who have contact with adult 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 correctional officers, as required and time permitting. On the first day of the site visit, the auditor shall request a list of staff sorted by assignment (e.g., supervision in housing units) and by shift. The auditor shall select at random, line staff from different assignments or work locations and request that these persons be brought for an interview on a subsequent day to be determined. The goal is to conduct interviews with representative staff working in housing blocks, segregation units, mental health units, and camps where they exist.

Interviews shall be conducted in a setting where staff will feel free to talk without being overheard by other staff.

As stated above, at large facilities or those with many different housing units, the auditor may choose to interview more than ten correctional officers to develop a more comprehensive assessment. The decision regarding the total number of correctional officers to be interviewed should take into consideration the time available for interviews of both inmates and staff during the visit.

Informing staff of the audit's purpose and the reason for their requested participation:
Prior to interviewing each staff person, the auditor should communicate the following to him or her:

"Thank you for meeting with me. My name is [NAME]. I have been hired by the [NAME OF CORRECTION AGENCY] to conduct an assessment this facility's 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 staff and would like to ask you some questions about the facility's policies and practices. I am interviewing at least [NUMBER] other staff at this facility. Your participation is voluntary, and you may choose not to 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. As part of my auditor certification training, I have been instructed not to reveal the information you give me to anyone who does not have a proper professional use for that information. You should also know that the final report that I will give the facility at the end of this audit will not have any personally identifying information of yours in it. However, if this agency asks me to provide them with any personally identifiable information I collect I have to give it to them. In addition, if the Department of Justice wants to examine any or all of the information that I collect during this audit, I must provide it to them if they ask. Last, if you tell me that you're planning to harm yourself or others, I am required to notify the authorities."

"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 QUESTION 1

1. Have you received training on: (if YES, probe on when training/refresher was last received.) *(115.31)*
    a. The agency's zero-tolerance policy on sexual abuse and sexual harassment?
    b. How to fulfill your responsibilities regarding sexual abuse and sexual harassment prevention, detection, reporting, and response, in accordance with agency policies and procedures?
    c. Inmates' right to be free from sexual abuse and sexual harassment?
    d. Inmates' and employees' right to be free from retaliation for reporting sexual abuse and sexual harassment?
    e. The dynamics of sexual abuse and sexual harassment in confinement?
    f. The common reactions of sexual abuse and sexual harassment victims?
    g. How to detect and respond to signs of threatened and actual sexual abuse?
    h. How to avoid inappropriate relationships with inmates?
    i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming inmates (by "transgender," I mean: people 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))?
    j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?

2. *If the agency has a policy to train staff to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs, ask staff*: *(115.15)*
    a. Have you received training on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs? *(115.15)*
    b. When did you receive this training? *(115.15)*

3. *If female inmates are incarcerated at this facility, ask staff:* If female staff are not available to conduct pat-down searches of female inmates, does the jail or prison restrict those inmates' access to programs or out-of-cell opportunities? *(115.15)*

4. *If the facility prohibits staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status, ask staff*: Are you aware of the policy prohibiting staff from searching or physically examining a transgender or intersex inmate for the purpose of determining that inmate's genital status? *(115.15)*

5. Does the agency requires *all* staff to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation? *(115.61)*

    a. What is the agency/facility policy or procedure for reporting any information related to an inmate sexual abuse? *(115.61)*

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)*

8. When an inmate alleges sexual abuse or sexual harassment, can he or she do so verbally, in writing, anonymously, and from third parties? *(115.51)*
    a. Do you document verbal reports? *(115.51)*
        i. If YES, how long, ordinarily, after an inmate makes a verbal report do you document it? *(115.51)*

9. Does the agency ever allow the use of inmate interpreters, inmate readers, or other types of inmate assistants to assist inmates with disabilities or inmates who are limited English proficient when making an allegation of sexual abuse or sexual harassment?*(115.16)*
    a. If yes, are the circumstances under which the above would be allowed limited at all? (115.16)
    b. To the best of your knowledge, have inmate interpreters, inmate readers, or other types of inmate assistants been used in relation to allegations of sexual abuse or sexual harassment? *(115.16)*

10. Do you know and understand the agency's protocol for obtaining usable physical evidence if an inmate alleges sexual abuse? *(115.21)*

11. If you are the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what is your responsibility in that situation? *(115.62 and 115.64) (Probe: To whom would you report the alleged sexual abuse? Is there anyone with whom you would not share the information?)*

12. Do you know who is responsible for conducting sexual abuse investigations? *(Note to auditor. A negative response to this question is not conclusive of compliance.) (115.21)*

13. If you learn an inmate is at risk of imminent sexual abuse, what actions do you take to protect the inmate? *(Note to auditor. The standard requires immediate action but does not describe precise actions that must be taken. The purpose of this question is to understand the facilities process and is not conclusive of compliance.)(115.62)*

    a. How quickly do you take such actions? (115.62)

14. Do you or other officers announce your presence when entering a housing unit that houses residents of the opposite gender (from yourself)? *(115.15)*

15. Are inmates able to dress, shower, and toilet without being viewed by staff of the opposite gender? (*If no, probe whether viewing is limited to exigent circumstances or incidental to routine cell checks.) (115.15)*