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Bureau of Justice Assistance
U.S. Department of Justice

PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR SPECIALIZED STAFF

Prisons and Jails

April 18, 2014

GUIDELINES FOR AUDITORS: SPECIALIZED STAFF INTERVIEWS

Selecting specialized staff for interview:

Per the instructions for random staff interviews, the auditor shall request a list of staff sorted by assignment (e.g., supervision in housing units) and by shift on the first day of the site visit. The auditor shall select, at random, staff from the list of specialized staff below and request that these persons be brought for an interview on a subsequent day to be determined.

The auditor will request to interview specialized staff, including:

- Agency contract administrator;
- Intermediate- or higher-level facility staff;
- Line staff who supervise youthful inmates, if any;
- Education and program staff who work with youthful inmates, if any;
- Medical and mental health staff;
- Administrative (human resources) staff;
- SAFE and SANE staff;
- Volunteers and contractors who have contact with inmates;
- Investigative staff;
- Staff who perform screening for risk of victimization and abusiveness;
- Staff who supervise inmates in segregated housing;
- Staff on the incident review team;
- Designated staff member charged with monitoring retaliation;
- First responders, both security and non-security staff; and
- Intake staff.

Interviews shall be conducted in a setting where staff will feel free to talk without being overheard by other staff. At large facilities or those with many different housing units, auditors may choose to interview additional staff to develop a more comprehensive assessment. The decision regarding the total number staff to be interviewed should take into consideration the time available for interviews with both inmates and staff during the visit.

Informing Staff of the Audit's Purpose and 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 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 [NAME OF CORRECTION AGENCY]. I have been certified by the U.S. Department of Justice to conduct this assessment. I would like to ask you some questions about facility policies and practices. 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, CONTINUE WITH INTERVIEW GUIDE.

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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?

INTERMEDIATE- OR HIGHER-LEVEL FACILITY STAFF

If the facility requires intermediate- or higher-level staff to conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment, ask them the following questions:

1. Have you conducted unannounced rounds? [115.13]
2. Have you documented these rounds? [115.13]
3. How do you prevent staff from alerting other staff that you are conducting unannounced rounds? [115.13]

LINE STAFF WHO SUPERVISE YOUTHFUL INMATES

1. Are you able to maintain sight and sound separation between youthful and adult inmates? [115.14]
2. Have there been circumstances in the past 12 months when sight and sound separation requirements have been difficult to achieve? [115.14]
3. How have you tried to solve problems in achieving sight and sound separation between youthful and adult inmates? [115.14]
4. In areas outside housing units, where youthful inmates may have sight, sound, or physical contact with adult inmates, does the facility always provide direct staff supervision? [115.14]
5. To comply with the requirement of sight and sound separation between youthful and adult inmates, are youthful inmates placed in solitary confinement? [115.14]
6. In the past 12 months, if youthful inmates have been in isolation in order to separate them from adult inmates, did the youthful inmates have access to (a) daily large-muscle exercise, (b) legally required education services, and (c) other programs and work opportunities? [115.14]
7. If no to question 6, can you explain why their access to (a) daily large-muscle exercise, (b) legally required education services, or (c) other programs and work opportunities was denied? (*Probe for information to determine if denied on account of exigent circumstances.*) [115.14]

EDUCATION AND PROGRAM STAFF WHO WORK WITH YOUTHFUL INMATES

1. Does the requirement for sight and sound separation between youthful and adult inmates interfere with youthful inmates' regular participation in programs? [115.14]
2. Is there direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? [115.14]

MEDICAL AND MENTAL HEALTH STAFF

1. If you conduct forensic examinations, are you qualified, and have you received the appropriate training in conducting forensic examinations? [115.35]
2. Have you received any other specialized training regarding sexual abuse and sexual harassment? If so, can you describe it? Did the training cover topics such as: [115.35]
 - How to detect and assess signs of sexual abuse and sexual harassment;
 - How to preserve physical evidence of sexual abuse;
 - How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
 - How and to whom to report allegations or suspicions of sexual abuse and sexual harassment?
3. At the initiation of services to an inmate, do you disclose the limitations of confidentiality and your duty to report? [115.61]
4. Are you required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a designated supervisor or official immediately upon learning of it? [115.61]
5. Have you ever become aware of such incidents? Did you report them? [115.61]
6. If the facility offers therapy, counseling, or other intervention services designed to address and correct the underlying reasons or motivations for sexual abuse, does the facility consider whether to offer these services to the offending inmate? [115.78]
7. When you provide these services, do you require an inmate's participation as a condition of access to programming or other benefits? [115.78]
8. Do you obtain informed consent from inmates before reporting about prior sexual victimization that did not occur in an institutional setting? (*Note: standards do not require informed consent for youthful inmates.*) [115.81]
9. Do you have a separate informed consent process for inmates under the age of 18? [115.81]
10. Do inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention services? [115.82]
11. How fast does this typically occur? [115.82]
12. Are the nature and scope of these services determined according to your professional judgment? [115.82]
13. Are victims of sexual abuse offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis? [115.82]

14. What does evaluation and treatment of inmates who have been victimized entail?
(Probe: See if treatment contains follow-up services, treatment plans, and when necessary, referrals for continued care after leaving the facility.) [115.83]
 15. Are the medical and mental health services offered consistent with community level of care? [115.83]
 16. If pregnancy results from sexual abuse while incarcerated, are victims given timely information and access to all lawful pregnancy-related services? [115.83]
 17. When, ordinarily, are such victims provided this information and access to services? [115.83]
- If the facility is a prison, ask:
18. Do you conduct a mental health evaluation of all known inmate-on-inmate abusers and offer treatment if appropriate? After learning about the abuse history of such an inmate, when do you typically conduct an evaluation? [115.83]

NON-MEDICAL STAFF INVOLVED IN CROSS-GENDER STRIP OR VISUAL SEARCHES

1. What urgent circumstances would require cross-gender strip searches and visual body cavity searches? [115.15]

ADMINISTRATIVE (HUMAN RESOURCES) STAFF

1. Does the facility perform criminal record background checks or consider pertinent civil or administrative adjudications for all newly hired employees who may have contact with inmates and all employees, who may have contact with inmates, who are considered for promotions? Do you do this for any contractor who may have contact with inmates as well? [115.17]
2. Does the facility consider prior incidents of sexual harassment when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates? [115.17]
3. What system does the facility presently have in place to conduct criminal record background checks of current employees and contractors who may have contact with inmates? Are these background checks conducted at least once every five years? [115.17]
4. Does the facility ask all applicants and employees who may have contact with inmates about previous misconduct described in section (a)* in written applications for hiring or promotions, and in any interviews or written self-evaluations conducted as part of reviews of current employees? [115.17]
5. Does the facility impose upon employees a continuing affirmative duty to disclose any such previous misconduct? [115.17]
6. When a former employee applies for work at another institution, upon request from that institution, does the facility provide information on substantiated allegations of sexual abuse or sexual harassment involving the former employee, unless prohibited by law? *(Probe for information about laws that would prohibit such information transfer.)* [115.17]

**Previous misconduct from section (a): (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.*

SANE/SAFE STAFF

1. Are you responsible for conducting *all* forensic medical examinations for the facility?
(Note to auditors: The standard does not require SANE/SAFE staff to conduct “all” forensic medical evaluations; therefore, responses do not dictate compliance/noncompliance.)
[115.21]
2. When SANE/SAFE staff are unavailable to conduct forensic medical examinations, who assumes the responsibility? [115.21]

VOLUNTEERS AND CONTRACTORS WHO MAY HAVE CONTACT WITH INMATES

1. Have you been trained in your responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response, per agency policy and procedure? [115.32]
2. If YES, what does this training consist of? [115.32]
3. Have you been notified of the agency's zero-tolerance policy on sexual abuse and sexual harassment, as well as informed about how to report such incidents? [115.32]

INVESTIGATIVE STAFF

If the agency conducts its own investigations of allegations of sexual abuse, ask the following questions:

1. Did you receive training specific to conducting sexual abuse investigations in confinement settings? [115.34]
2. If YES, can you describe it briefly? [115.34]
3. Did the training topics include: [115.34]
 - Techniques for interviewing sexual abuse victims?
 - Proper use of Miranda and Garrity warnings?
 - Sexual abuse evidence collection in confinement settings?
 - The criteria and evidence required to substantiate a case for administrative or prosecution referral?
4. Does agency policy require that allegations of sexual abuse or sexual harassment be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? *(Note: The referral agency may include the agency itself, if it conducts its own criminal investigations.)* [115.22]
5. How long does it take to initiate an investigation following an allegation of sexual abuse or sexual harassment? [115.71]
6. What would be the first steps in initiating an investigation and how long would they take? [115.71]
7. Please describe the investigation process. [115.71]
8. How do you handle anonymous or third-party reports of sexual abuse or sexual harassment? Are they investigated differently? [115.71]
9. Please describe any direct and circumstantial evidence you would be responsible for gathering in an investigation of an incident of sexual abuse. *(Probe: See if these include physical and DNA evidence, electronic monitoring data, interviews, and prior complaints and reports of sexual abuse.)* [115.71]
10. When you discover evidence that a prosecutable crime may have taken place, do you consult with prosecutors before you conduct compelled interviews? [115.71]
11. On what basis do you judge the credibility of an alleged victim, suspect, or witness? [115.71]
12. Would you, under any circumstances, require an inmate who alleges sexual abuse to submit to a polygraph examination or truth-telling device as a condition for proceeding with an investigation? [115.71]
13. When do you refer cases for prosecution? *(Note: the standard requires referrals when there are substantiated allegations of conduct that appear to be criminal.)* [115.71]

14. a) How do you proceed when a staff member alleged to have committed sexual abuse terminates employment prior to a completed investigation into his/her conduct? [115.71]
- b) How do you proceed when a victim who alleges sexual abuse or sexual harassment or an alleged abuser leaves the facility prior to a completed investigation into the incident? [115.71]

15. When an outside agency investigates an incident of sexual abuse in this facility, what role do you play? [115.71]

Questions #16 and 17 are for investigators who conduct administrative investigations specifically:

16. What efforts do you make during an administrative investigation to determine whether staff actions or failures to act contributed to the sexual abuse? [115.71]
17. Do you document administrative investigations in written reports? What information do you include in those reports? [115.71]
18. Are criminal investigations documented? What is contained in that report? (*Probe: See if reports include thorough descriptions of physical, testimonial, and documentary evidence, as well as attached copies of documentary evidence.*) [115.71]
19. What standard of evidence do you require to substantiate allegations of sexual abuse or sexual harassment? [115.72]
20. Do your agency procedures require that an inmate who makes an allegation of sexual abuse must be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation? [115.73]

STAFF WHO PERFORM SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS

1. Do you screen inmates upon admission to your facility or transfer from another facility for risk of sexual abuse victimization or sexual abusiveness toward other inmates? [115.41]
2. Do you screen inmates for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their intake? [115.41]
3. What does the initial risk screening consider? (*Probe for consideration of any inmate disabilities, inmate age, physical build of inmate, previous incarceration of inmate, inmate criminal history (including nonviolent offenses and sex offenses) perceived sexual orientation of inmate, previous sexual victimization of inmate, inmate perception of vulnerability, and whether detention is related to civil immigration.*) [115.41]
4. What is the process for conducting the initial screening? [115.41] (*Probe: If a set format or checklist is used, is it simply yes or no answers to questions or does it ask for data?*)
5. Do you reassess an inmate's risk level as needed due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? [115.41]
6. How long after arrival are inmates' risk levels reassessed? [115.41]
7. Are inmates disciplined in any way for refusing to respond to (or for not disclosing complete information related to) the following: [115.41]
 - Whether the inmate has a mental, physical, or developmental disability.
 - Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming (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)).
 - Whether the inmate has previously experienced sexual victimization.
 - The inmate's own perception of vulnerability.
8. Has the agency outlined who can have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation? [115.41]
9. How does the agency/facility use information from the risk screening during intake (per 115.41) to keep inmates safe from being sexually victimized or from being sexually abusive? (*Probe: See if, during intake, risk-screening information is used to make individualized determinations to ensure inmate safety.*) [115.42]
10. Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? [115.42]

11. Are transgender or intersex inmates' views of his or her safety given serious consideration in placement and programming assignments? [115.42]
12. Are transgender and intersex inmates given the opportunity to shower separately from other inmates? [115.42]
13. If a screening indicates that an inmate has experienced prior sexual victimization, whether in an institutional setting or in the community, do you offer a follow-up meeting with a medical and/or mental health practitioner? [115.81]
 - a. Typically, how soon after a screening are such meetings offered? [115.81]
14. If a screening indicates that an inmate previously perpetrated sexual abuse, do you offer a follow-up meeting with a mental health practitioner? [115.81]
 - a. Typically, how soon after a screening is such a meeting offered? [115.81]

STAFF WHO SUPERVISE INMATES IN SEGREGATED HOUSING

1. When inmates are placed in segregated housing for protection from sexual abuse or after having alleged sexual abuse, do they still have access to the following (to the extent possible): [115.43 and 115.68]
 - Programs;
 - Privileges;
 - Education; and
 - Work opportunities?
2. If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: [115.43 and 115.68]
 - The opportunities that have been limited,
 - The duration of the limitations, and
 - The reasons for such limitations?
3. Are inmates placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? [115.43 and 115.68]
4. How long, ordinarily, are inmates placed in involuntary segregated housing as a means of separation from likely abusers? [115.43 and 115.68]
5. Once an inmate is assigned to involuntary segregated housing, does the facility review the inmate's circumstances every 30 days to determine if continued placement in involuntary segregated housing is needed? Provide a sample of written periodic reviews. [115.43 and 115.68]

INCIDENT REVIEW TEAM

Does the review team:

1. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility? [115.86] (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).)
2. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? [115.86]
3. Assess the adequacy of staffing levels in that area during different shifts? [115.86]
4. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? [115.86]

DESIGNATED STAFF MEMBER CHARGED WITH MONITORING RETALIATION

Note: If no staff members are charged with monitoring retaliation at the facility, these questions should be addressed to the PREA Compliance Manager instead:

1. What role do you play in preventing retaliation against inmates and staff who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations? *(Probes: Housing changes or transfers, removal of alleged abusers, emotional support services.)* [115.67]
2. Can you describe the different measures you take to protect those inmates and staff from retaliation? [115.67]
3. Do you initiate contact with inmates who have reported sexual abuse? If so, how often? [115.67]
4. What do you look for to detect possible retaliation? What do you monitor? *(Probe: See if this includes any inmate disciplinary report housing changes, program changes, negative performance reviews or reassignments of staff, periodic status checks.)* [115.67]
5. How long do you monitor the conduct and treatment of inmates and staff who report the sexual abuse of an inmate or were reported to have suffered sexual abuse? [115.67]
6. If there is concern that potential retaliation might occur, what is the maximum length of time that you would monitor conduct and treatment? [115.67]

SECURITY STAFF AND NON-SECURITY STAFF WHO HAVE ACTED AS FIRST RESPONDERS

1. Can you describe the actions you take as a first responder to an allegation of sexual abuse? (*Probe: See if any of the following actions are included.*) [115.64 and 115.82]
 - a. Separating the alleged victim and abuser;
 - b. Preserving and protecting any crime scene until appropriate steps can be taken to collect any evidence;
 - c. Requesting that the alleged victim not take any actions that could destroy physical evidence (such as washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating), if the abuse occurred within a time period that still allows for the collection of physical evidence;
 - d. Ensuring that the alleged abuser does not take any of the above actions that could destroy physical evidence, if the abuse occurred within a time period that still allows for the collection of physical evidence; and
 - e. Immediately notifying medical and mental health practitioners.

INTAKE STAFF

1. Do you provide inmates with information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment? [115.33]
2. How do you ensure that current inmates, as well as those transferred from other facilities, have been educated on the agency's zero-tolerance policy on sexual abuse or sexual harassment? [115.33]
3. How does the agency ensure that inmates are educated regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents? [115.33]
4. In general, how long from the date of intake are inmates made aware of these rights? [115.33]