

NATIONAL
PREA
RESOURCE
CENTER

NCCD | National Council on
Crime & Delinquency



AMERICAN
JAIL
ASSOCIATION



THE PREA CLOCK IS TICKING! THE WHO, WHEN, AND HOW OF JAIL AUDITS

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Introductions

- Tom Talbot, Senior Policy Advisor, PREA Management Office, Bureau of Justice Assistance
- Tara Graham, National PREA Resource Center (PRC)
- Elizabeth Layman, American Jail Association



Today's Agenda: Webinar—Part 1

1. Resources Available From PRC
2. The Timeline and Requirements for Audits
3. How Prison Rape Elimination Act (PREA) Compliance Is Measured
4. About Auditors: Who They Are, How to Be an Auditor, and How to Retain an Auditor
5. Audit Process
6. Questions and Answers

Next Webinar: Part 2—October 16, 2014
(2:00–3:30 p.m. EDT)

Demystifying the Jail Audit Prep and Process

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



National PREA Resource Center

What is the National PREA Resource Center?

Mission and Methods

PRC's mission is to assist adult prisons and jails, juvenile facilities, lockups, community corrections, and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents, and services to victims and their families.

- Website and resource library
- Training and technical assistance (TTA)
- Grant program
- Audit support and auditor training

Training and Technical Assistance

Targeted TTA

- Curricula
- Videos
- Fact sheets
- Case law summaries
- Other resources, such as PREA Essentials webpage

Field-Initiated TTA

- Customized assistance, onsite or remote
- Conference presentations and workshops

Jurisdictions can request assistance by completing the web form. Click on the "request assistance" tab on the PRC website homepage (www.prearesourcecenter.org).

TTA Resources

Curricula Update

- Specialized training: investigations
- Specialized training: medical and mental health
- PREA for tribal facilities
- Gender-responsive strategies: adults
- Gender-responsive strategies: juveniles
- Inmate education video and facilitator's guide
- Human resources and administrative investigations
- Employee training
- Victim services

Additional Resources

Recently Released Resources

- Third-party reporting fact sheet
- Legal resources related to confidentiality, including frequently asked questions and a 50-state survey on relevant confidentiality laws (coming soon)

Forthcoming Fall 2014

- PREA in Action webinar—Keeping LGBTI Individuals Safe
- Resources for prosecutors
- Analysis of relevant sexual assault laws
- Three graphic novels (comic books) for inmate education

TTA Topics

Resource Development 2014–2015

- Individuals with disabilities
- Minimizing the use of protective custody
- PREA coordinator contacts and listserv management
- Outreach to jails and law enforcement
- Inmate education
- External reporting and support services
- Staffing plans
- Youthful inmates
- Trauma related to sexual abuse in confinement
- Cross-gender supervision
- Field-initiated TTA

PRC's Audit Work

- Development of audit instrument and online tools
- Communications regarding the audit process
- Running an auditor application process
 - » Review qualifications
 - » Refer qualified and trained individuals to US Department of Justice (DOJ) for certification
 - » Background checks (completed by DOJ/FBI)
- Training auditors



Audit Requirements and Timeline

Do jails and other local facilities have to have an audit to be in compliance?

YES!

- PREA is a law.
- PREA standards apply equally to locally operated facilities (e.g., lockups, jails, juvenile detention centers, and locally operated residential community confinement facilities).
- Audits are required for full compliance with PREA standards.
- The statute imposes certain financial consequences on states that do not comply with the standards (5.0% possible reduction in certain federal grants). *However, for local facilities or facilities not operated by the state, PREA provides no direct federal financial penalty for not complying.*

Incentives for Jails to Comply

Despite the lack of 5% grant reduction that applies to states, there are other incentives for jails to elect to comply.

- May influence the standard that courts will apply in legal and constitutional claims.
- Major accreditation organizations may need to comply with the standards as a condition of accreditation.
- Facilities that contract to hold state or federal inmates risk losing those contracts.

PREA Compliance and Audit Timeline

- August 20, 2012:** Effective date PREA standards are applicable to state and local facilities.
- August 20, 2013:** First three-year audit cycle begins.
- October 1, 2013:** First date on which federal grant funds may be impacted (FY 2014).
- August 19, 2014:** End of first year of the three-year audit cycle—
one third of each facility type must be audited.
- August 19, 2015:** End of second year of the three-year audit cycle—
second third of each facility type must be audited.
- August 19, 2016:** First three-year audit cycle complete.
All facilities must be audited.



Compliance and PREA Auditors

How will compliance be measured?

Facilities must meet all standards to be in compliance.

For each standard, a determination is made whether the facility:

- Exceeds standard;
- Meets standard; or
- Does not meet standard.

How will compliance be measured?

Use the audit instrument for details about:

- What the auditor will need to assess compliance;
- How the auditor will determine compliance; and
- Each step of the audit process.

Who can conduct audits?

Audits must be conducted by PREA auditors, certified by the DOJ.

A full list of certified auditors and their contact information can be found on the PRC website.

www.prearesourcecenter.org/audit/list-of-certified-auditors

Who can conduct audits?

§ 115.402 Auditor qualifications

(a) An audit shall be conducted by:

- (1) A member of a correctional monitoring body that is not part of, or under the authority of, the agency (but may be part of, or authorized by, the relevant State or local government); **or**
- (2) A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; **or**
- (3) Other outside individuals with relevant experience.

Who can conduct audits?

§ 115.402 Auditor qualifications

- (c) No audit may be conducted by an auditor who has received financial compensation from the agency being audited (except for compensation received for conducting prior PREA audits) within the three years prior to the agency's retention of the auditor.
- (d) The agency shall not employ, contract with, or otherwise financially compensate the auditor for three years subsequent to the agency's retention of the auditor, with the exception of contracting for subsequent PREA audits.

Auditor Certification

To be certified, auditors must:

- ✓ Meet specified qualifications;
- ✓ Pass a criminal background records check;
- ✓ Complete a 40-hr PREA auditor certified training session; and
- ✓ Pass the final exam.

Auditors can receive one of two certifications.

- 349 total certified auditors
- 296 certified for adult facilities
- 115 certified for juvenile facilities
- 62 certified for both adult and juvenile facilities

Additional trainings

- » September 29 to October 3: Columbia, South Carolina
- » November 3–7: Columbia, South Carolina
- » Three trainings in 2015 (dates and locations TBD)

Apply online at

www.prearesourcecenter.org/audit/auditor-qualifications-and-application

Auditors: DOJ Responsibilities

- The DOJ will conduct random auditor peer reviews and reviews when there is a concern about auditor effectiveness.
- PREA auditors must be recertified by the DOJ every three years.
- Auditors are subject to decertification for cause.
- Auditors are required to maintain all documents, notes, media, and other information used in making their audit determinations.

Retaining an Auditor

Each agency should develop its own process to find an auditor, consistent with PREA Standard 115.402.

- Must be a PREA certified auditor and meet the requirements of §115.402.
- If using an independent auditor, careful and detailed contract negotiations should occur between the agency and the selected auditor.
- Audit price should be negotiated between the auditor and facility to be audited.
- Contact and contract with your auditor. If you send out RFPs, PRC will send them to all auditors upon request. You may also use the list on your own to filter out location and certification type and email auditors individually.

Retaining an Auditor

- Certified PREA auditors will perform the PREA audits as independent contractors unless they have or create an arrangement to conduct audits through another entity, such as their current employer, an external governmental entity, the American Correctional Association, or other accreditation body.
- Circular audits are permissible (more details next).
- The DOJ is not involved with the contracting, scheduling, or fee schedules associated with PREA audits.



PREA Audits

How do we prepare for an audit?

- Make the decision: Are you committed to PREA standards implementation?
- Read the standards (including the preamble)
- Assess your operations through a self-assessment
- Use the Toolkit for Jails
- Develop an action plan
- Use the audit instrument
- Find an auditor

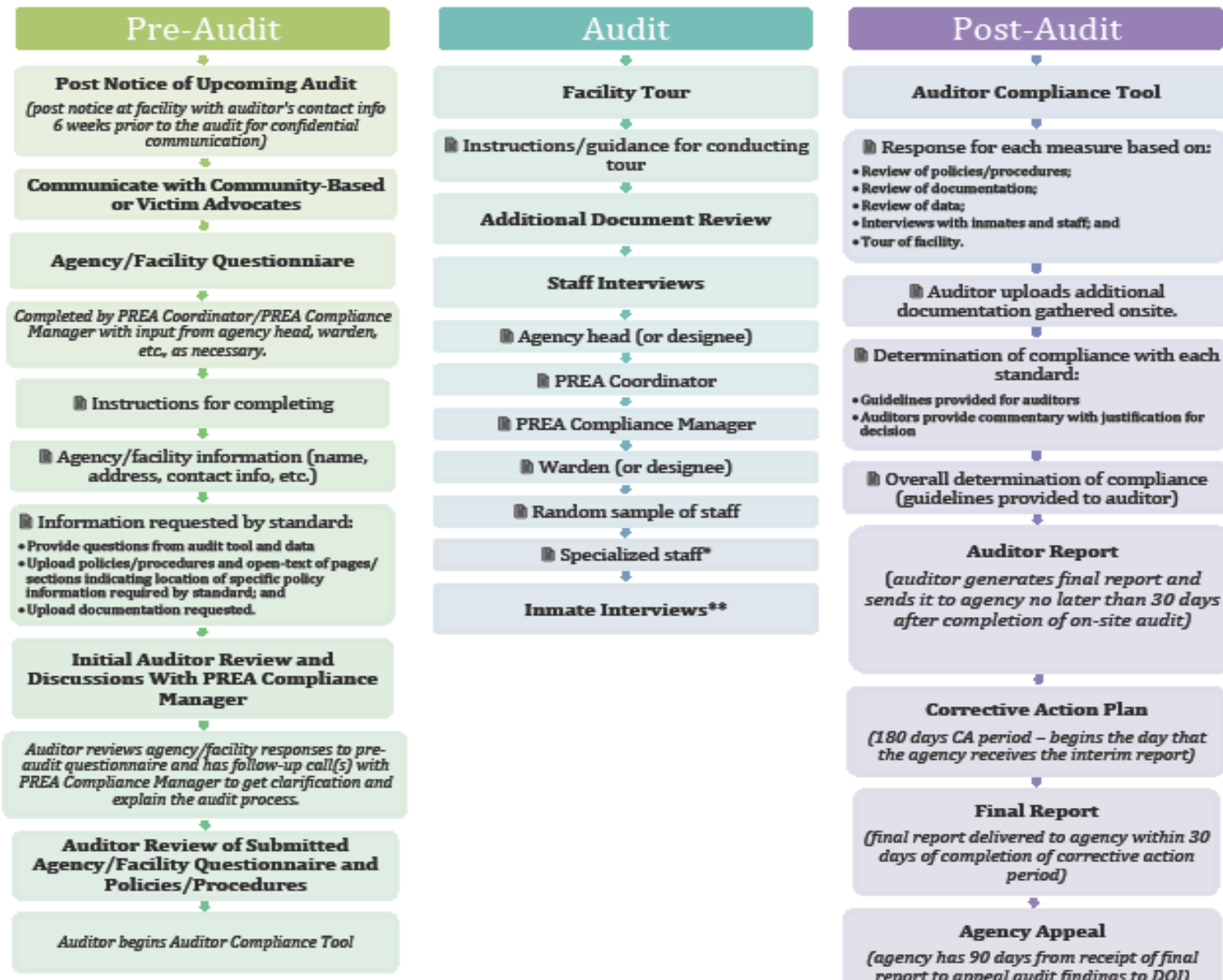
What if we did not audit by August 2014?

- Continue to work to implement and comply with PREA standards.
- Conduct the audit as soon as the facility is ready; in order to be compliant, you have to be audited.
- Follow the next audit cycle for the timing of the next audit for that facility.
- Example: You have only one facility. The first audit will be conducted in January 2015 (second year of audit cycle) but should have been conducted by August 2014 (first year of audit cycle). Conduct the next audit in the first year of the next audit cycle, even if three years have not passed.

Circular Audits

- Direct reciprocal agreement is not permitted.
- Circular agreements are permitted.
 - » Example:
 1. Miami-Dade County Jail audits Broward County Jail.
 2. Broward County Jail audits West Palm Beach County Jail.
 3. West Palm Beach County Jail audits Miami-Dade County Jail.
- No agency in a circular agreement may hold inmates in its own facilities for the agency that performs its audits.
- Agencies who enter into circular audit agreements should work with a legal department to establish contracts that specify details such as potential auditor compensation (if any), who has responsibility for travel expenses, indemnification specifics, etc.

The PREA Audit Process—Overview



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(2:00 – 3:30 p.m. EDT)

Demystifying the Jail Audit Prep and Process

Register at:

<https://www3.gotomeeting.com/register/900458510>

Questions?



Resources and More Information

For more information about the **National PREA Resource Center**, visit www.prearesourcecenter.org. Direct questions to info@prearesourcecenter.org.

For assistance, contact one of the following.

Tara Graham
Senior Program Specialist
tgraham@nccdglobal.org

Sarah True
Program Associate
strue@nccdglobal.org

For more resources and assistance, contact www.aja.org.

PREA Coordinators

If your agency has a designated PREA coordinator, please share his/her contact information with the American Jail Association at www.aja.org.