The PREA Auditor Handbook

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The Roles of the U.S. Department of Justice (DOJ)

**DOJ Offices and Bureaus with Responsibilities under the PREA Statute and Standards**

- DOJ PREA Working Group
- Bureau of Justice Statistics, Office of Justice Programs
- PREA Management Office, Bureau of Justice Assistance, Office of Justice Programs
The Roles of DOJ’s PREA Management Office (PMO)

The PMO was established by the Deputy Attorney General in 2013 and is responsible for:

- Creating, implementing, and overseeing all aspects of the PREA audit function.
- Directing a robust, nationwide training and technical assistance initiative to support jurisdictions across the country with implementing the PREA Standards.
- Overseeing the Bureau of Justice Assistance’s competitive PREA Demonstration Grant Program, and providing support to jurisdictions that are awarded funding under this program.
- Reviewing, verifying, and responding to PREA Certifications and Assurances submitted by state and territorial governors.
- Leading the ongoing efforts of DOJ’s PREA Working Group to issue interpretative guidance related to the Standards.
But sexual abuse is never a laughing matter, nor is it punishment for a crime. Rather, it is a crime, and it is no more tolerable when its victims have committed crimes of their own. Prison rape can have severe consequences for victims, for the security of correctional facilities, and for the safety and well-being of the communities to which nearly all incarcerated persons will eventually return.

PREA Notice of Final Rule, Federal Register Vol. 77, No. 119, June 20, 2012
Agenda

• Purpose of the PREA Auditor Handbook (Handbook)
• PREA Audit Methodology
• Contracting for a PREA Audit
• Auditor Code of Conduct
• Audit Oversight
Purpose of the PREA Auditor Handbook (Handbook)

- Detail the requirements of Department of Justice (DOJ) PREA auditor certification
- Establish standards for ethical auditor conduct
- Prescribe a rigorous, practice-based audit methodology
- Hold auditors accountable for high standards of audit quality and integrity
- Provide transparency to key stakeholders regarding the PREA audit process and expectations of auditors
PREA Audit Methodology

Historic, One-of-a-Kind PREA Audit

• The PREA Standards establish an audit process that is designed to assess compliance not only through written policies and procedures, but also whether such policies and procedures are institutionalized in practice.

• The PREA audit methodology in the Handbook is intended to clearly articulate DOJ’s expectations for the conduct of PREA audits and establish guidelines and minimum requirements for audit methodology during each phase of the audit.

• The PREA Audit Instrument includes a series of guiding documents and tools (e.g., interview protocols, auditor compliance tool) that auditors are required to use when conducting an audit.
Four Phases of the PREA Audit

Phase 1. Pre-Onsite Audit (6-8 weeks prior to onsite audit)

Phase 2. Onsite Audit (1 week)

Phase 3. Evidence Review and Interim Report (45 days)

Phase 4. Corrective Action and Final Report (180-day corrective action period + 30 days to issue final report)

Post Audit (90 days for appeal to be filed)

As of August 20, 2016, audits are considered complete upon issuance of the interim report, or final report if there is no corrective action, or 45 days after the conclusion of the auditor’s onsite visit to the facility, whichever one comes first.

- DOJ PREA Working Group FAQ issued August 2016
Phase One: Pre-Onsite Audit

Four core activities conducted by the auditor during the pre-onsite audit phase, including:

1) Audit planning and logistics
2) Posting notice of the audit
3) Reviewing facility policies, procedures, and supporting documentation
4) Conducting outreach to advocacy organizations
Phase Two: Onsite Audit

Three major components to the onsite audit:

1) **Site Review.** PREA standard 115.401(h) states, “The auditor shall have access to, and shall observe, all areas of the audited facilities.”

2) **Conducting Interviews.** PREA Standard 115.401(k) states, “the auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.”

3) **Documentation Selection and Review.** There are four provisions under PREA Standard 115.401 that address auditor access to and requirements for reviewing facility and agency documents.
## Sample Inmate Interview Rubric

### TABLE 1: REQUIRED NUMBER OF INMATE INTERVIEWS

<table>
<thead>
<tr>
<th>Interview Type</th>
<th>0–50</th>
<th>51–100</th>
<th>101–250</th>
<th>251–500</th>
<th>501–1,000</th>
<th>1,001–2,500</th>
<th>2,501+</th>
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</thead>
<tbody>
<tr>
<td>Prisons and Jails</td>
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<tr>
<td>Overall Minimum Number of Inmate Interviews</td>
<td>At least 10</td>
<td>At least 16</td>
<td>At least 20</td>
<td>At least 26</td>
<td>At least 30</td>
<td>At least 40</td>
<td>At least 50</td>
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<tr>
<td>Minimum Number of Random Inmate Interviews</td>
<td>At least 5</td>
<td>At least 8</td>
<td>At least 10</td>
<td>At least 13</td>
<td>At least 15</td>
<td>At least 20</td>
<td>At least 25</td>
</tr>
<tr>
<td>Minimum Number of Targeted Inmate Interviews</td>
<td>At least 5</td>
<td>At least 8</td>
<td>At least 10</td>
<td>At least 13</td>
<td>At least 15</td>
<td>At least 20</td>
<td>At least 25</td>
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<tr>
<td>Breakdown of Required Targeted Inmate Interviews</td>
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<tr>
<td>Youthful Inmates</td>
<td>At least 1</td>
<td>At least 2</td>
<td>At least 2</td>
<td>At least 2</td>
<td>At least 3</td>
<td>At least 3</td>
<td>At least 4</td>
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<tr>
<td>Inmates with a Physical Disability</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
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<tr>
<td>Inmates who are Blind, Deaf, or Hard of Hearing</td>
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<td>Inmates who are LEP</td>
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<tr>
<td>Inmates with a Cognitive Disability</td>
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<tr>
<td>Inmates who Identify as Lesbian, Gay, or Bisexual</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 2</td>
<td>At least 3</td>
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<tr>
<td>Inmates who Identify as Transgender or Intersex</td>
<td></td>
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<tr>
<td>Inmates in Segregated Housing for High Risk of Sexual Victimization</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 2</td>
<td>At least 2</td>
</tr>
<tr>
<td>Inmates Who Reported Sexual Abuse</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Inmates Who Reported Sexual Victimization During Risk Screening</td>
<td>At least 1</td>
<td>At least 1</td>
<td>At least 2</td>
<td>At least 3</td>
<td>At least 3</td>
<td>At least 4</td>
<td>At least 4</td>
</tr>
</tbody>
</table>

*Inmate population size is based on the actual population on the first day of the onsite portion of the audit.
Staff Interview Requirements

Auditors are required to conduct at least 12 interviews with randomly selected staff.

In addition, auditors must conduct targeted interviews with staff who have specialized roles and responsibilities, including:

- Agency head or designee
- Warden/facility director/superintendent or designee
- PREA coordinator
- PREA compliance manager
- Agency contract administrator
- Intermediate or higher level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates, if any
- Education and program staff who work with youthful inmates, if any
- Medical and mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) and Sexual Assault Nurse Examiner (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 sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff
- Intake staff
PREA Audit Methodology (cont.)

**Estimating Time to Complete the Onsite Audit**

Use information obtained about the facility + the methodological requirements in the Handbook to determine the appropriate number of days for the onsite audit.

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Inmate Population Size*</th>
<th>0-50</th>
<th>51-100</th>
<th>101-250</th>
<th>251-500</th>
<th>501-1,000</th>
<th>1,001-2,500</th>
<th>2,501+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prisons and Jails</td>
<td></td>
<td>2.0 days</td>
<td>2.2 days</td>
<td>2.4 days</td>
<td>2.6 days</td>
<td>2.7 days</td>
<td>3.0 days</td>
<td>3.4 days</td>
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<tr>
<td></td>
<td></td>
<td>(20.3 hours)</td>
<td>(22.3 hours)</td>
<td>(23.7 hours)</td>
<td>(25.7 hours)</td>
<td>(27.0 hours)</td>
<td>(30.3 hours)</td>
<td>(33.7 hours)</td>
</tr>
<tr>
<td>Lockups</td>
<td>0-50</td>
<td>1.7 days</td>
<td>1.9 days</td>
<td>2.0 days</td>
<td>2.2 days</td>
<td>2.4 days</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>(16.8 hours)</td>
<td>(18.8 hours)</td>
<td>(20.2 hours)</td>
<td>(22.2 hours)</td>
<td>(23.5 hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Confinement Facilities</td>
<td>0-50</td>
<td>1.7 days</td>
<td>1.9 days</td>
<td>2.1 days</td>
<td>2.3 days</td>
<td>2.4 days</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>(17.3 hours)</td>
<td>(19.3 hours)</td>
<td>(20.7 hours)</td>
<td>(22.7 hours)</td>
<td>(24.0 hours)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juvenile Facilities</td>
<td>0-50</td>
<td>1.9 days</td>
<td>2.1 days</td>
<td>2.3 days</td>
<td>2.5 days</td>
<td>2.6 days</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(19.3 hours)</td>
<td>(21.3 hours)</td>
<td>(22.7 hours)</td>
<td>(24.7 hours)</td>
<td>(26.0 hours)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Phase Three: Evidence Review and Interim Report

- The auditor has 45 days to review all evidence collected, write an interim report, or final report if there is no corrective action, and submit the report to the audited facility.
- The interim report, or final report if there is no corrective action, must include the following elements:
  1) Characteristics of the audited facility;
  2) Overview of audit methodology;
  3) Barriers to completing the audit;
  4) Summary of findings;
  5) Evidence that supports every finding;
  6) Noncompliance and corrective action; and
  7) Transparency regarding the auditor and his or her employer.
Phase Four: Corrective Action and Final Report

- Recognizing the number and complexity of the requirements in the PREA Standards, DOJ purposefully included corrective action in the Standards to serve as a helpful tool for facilities and agencies to work in collaboration with their PREA auditor to address challenges related to sexual safety.
- The PREA audit was built on the assumption that full compliance with every discrete provision would, in most cases, require corrective action.
- The auditor has 30 days following the conclusion of the corrective action period to complete and submit the final report to the audited facility.
- The final report is an updated version of the auditor’s interim report to the facility and must document:
  - All identified deficiencies
  - Corrective action steps taken by the facility/agency
  - Auditor’s process for verifying corrective action steps and assessing compliance.
Post Audit

Documentation Retention

• Standard 115.401(j) states that, “The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.”

The Agency’s Right to Appeal

• Standard 115.405 provides agencies with the option to appeal any findings of an audit that it believes are incorrect.
Contracting for a PREA Audit

Audit Contracts and Compensation

• Audit contracts must comply with:
  • The PREA Standards
  • Frequently asked questions (FAQs) issued by the DOJ PREA Working Group
  • The Handbook
  • Requirements described in continuing education to auditors

• Audit contracts must:
  • Be transparent
  • Describe the role of third-parties and support staff
  • Ensure sufficient time to conduct an audit
  • Allow for corrective action
  • Abide by restrictions on gifts
Auditor Code of Conduct

Guiding Auditor Code of Conduct Principles

1. Integrity
2. Objectivity
3. Confidentiality
4. Proficiency and Professionalism
Identifying Potential Conflicts of Interest (COI)

- Compliance with Standard 115.402(a), (c), and (d)
- Personal relationships that may raise a COI, or appearance of one
- Maintaining impartiality
Purpose of Audit Oversight

To promote *high quality, reliable, objective, and comprehensive* PREA audits that hold confinement facilities and the agencies that oversee them accountable for keeping inmates, residents, and detainees safe from sexual abuse and sexual harassment.

To increase the integrity of the PREA audit function.
Key Strategies to Enhance the Skills of Auditors and Increase the Integrity of PREA Audits

- Make skill-building a primary focus of the PREA Auditor Candidate Training
- Mandate auditor participation in the Field Training Program
- Intervene proactively with auditors on probationary certification status
- Collect actionable information related to auditors’ work**
- Implement a rigorous recertification process, including a challenging exam
- Require auditor participation in continuing education

**https://www.prearesourcecenter.org/audit/auditor-feedback-form
The Department of Justice expects auditors to comply with:

1. The PREA Standards that govern the conduct of auditors

2. The requirements for auditors articulated in the 40 hour auditor candidate training, the Auditor Handbook, required auditor continuing education, and FAQs issued by the DOJ PREA Working Group
Audit Oversight (Cont.)

**Four Primary Interventions:**

1. Quality Improvement Program (managed by PRC)
2. Peer Review (managed by PMO)
3. Disciplinary Review (managed by PMO)
4. Remediation (managed by PMO)
Audit Oversight (Cont.)

Implications for Audited Agencies and Facilities

• Increased rigor and comprehensiveness of PREA audits
• Greater reliability and accuracy of PREA audit findings
• Changes in the prevalence of corrective action
• Annual Certification/Assurance determination by governors
• Enhanced safety and well-being of inmates, residents, and detainees, as well as staff members
Questions?
Thank you for attending.

Please take 5-10 minutes to complete the evaluation link in the follow up email so we can continue to address your questions.