

# The PREA Auditor Handbook

*Emily N. Chonde and Tom Talbot  
Senior Policy Advisors  
PREA Management Office  
Bureau of Justice Assistance  
Office of Justice Programs  
U.S. Department of Justice*

September 20, 2017

# Logistics – Technical Support

## Technical Support

Please contact ZoomPro Webinar support line at: (888) 799-9666 – select “2” when prompted to get support with technical difficulties

Additionally, when asked provide the Webinar ID (**234-632-358**) so they know which event is associated with your technical issues

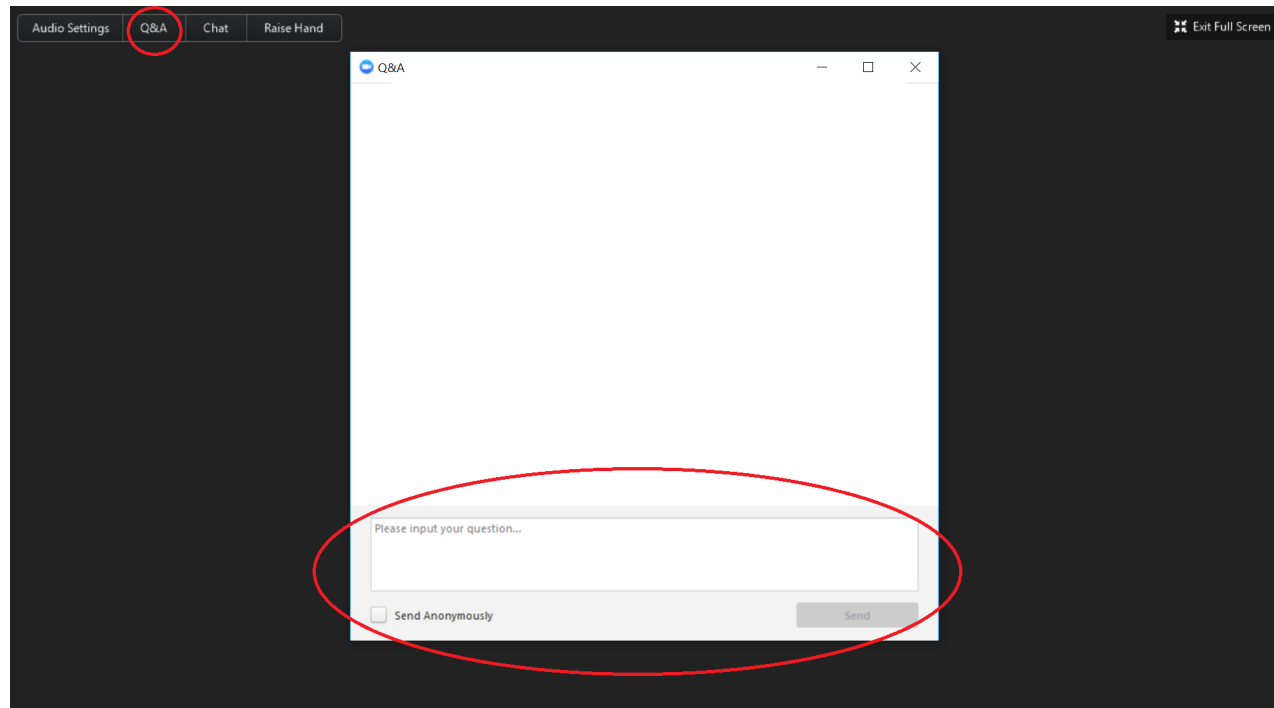
If you have trouble using this function, contact Jenni Trovillion at [jtrovillion@prearesourcecenter.org](mailto:jtrovillion@prearesourcecenter.org)

# Logistics – Submitting Questions

## Submitting Questions

To submit a question during the Webinar, use the Q&A feature at the top of your Webinar screen, as seen below.

Presenters will address the questions at the end of the presentation.



# 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

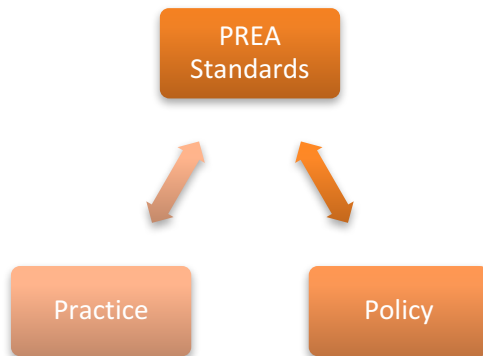
# Purpose of the PREA Auditor Handbook (Handbook)

- 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

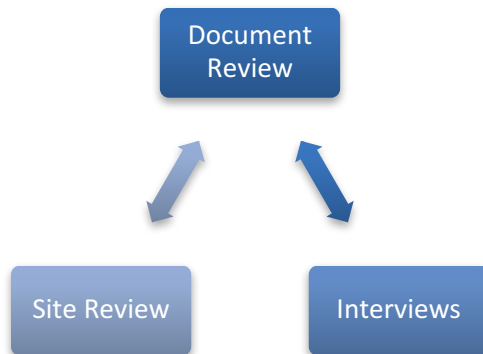


# PREA Audit Methodology

## Audit Triangulation



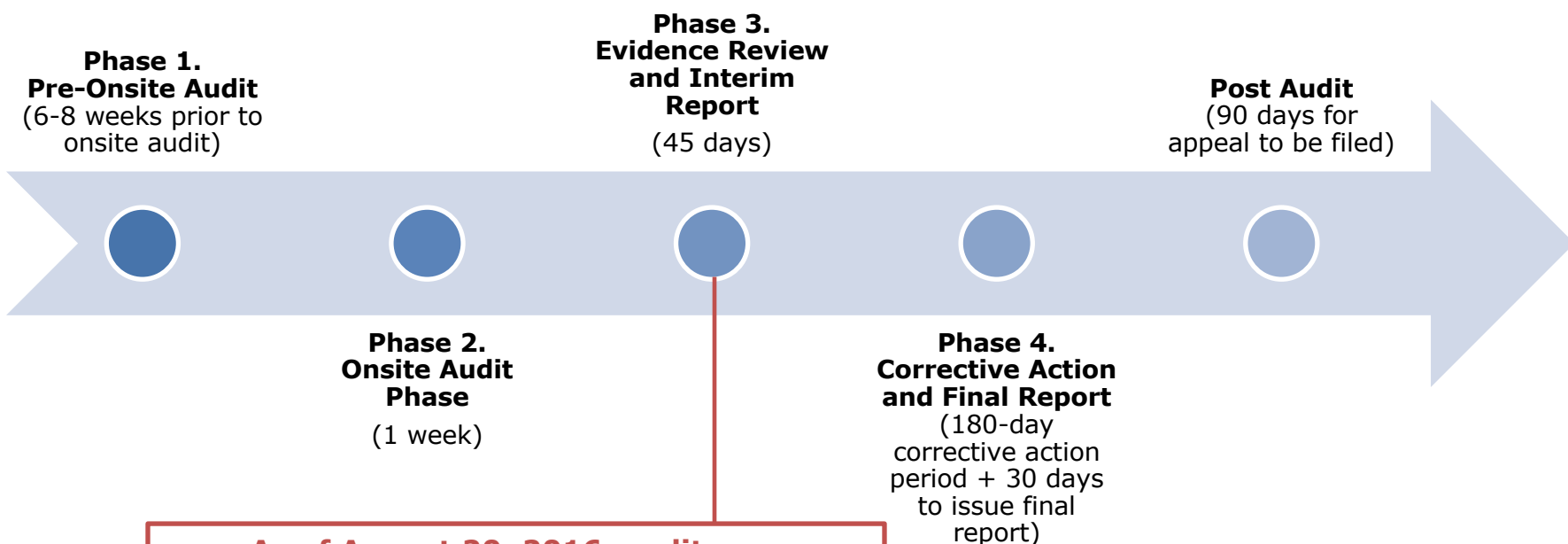
## Information Triangulation



## 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



**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



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# PREA Audit Methodology (cont.)

## 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

# PREA Audit Methodology (cont.)

## 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.

# PREA Audit Methodology (cont.)

## Sample Inmate Interview Rubric

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

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

# PREA Audit Methodology (cont.)

## 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 6: ESTIMATED TIME TO COMPLETE INMATE AND STAFF INTERVIEWS**

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



# PREA Audit Methodology (cont.)

## 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.





# PREA Audit Methodology (cont.)

## 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



# PREA Audit Methodology (cont.)

## 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

# Auditor Code of Conduct (cont.)

## 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

# Audit Oversight

## 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.

# Audit Oversight (Cont.)

## 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>

# Audit Oversight (Cont.)

## **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.