

NATIONAL
PREA
RESOURCE
CENTER



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

PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR RESIDENTS

Juvenile Facilities

August 11, 2014

RANDOM SAMPLE OF RESIDENTS.....3
RESIDENTS WHO REPORTED A SEXUAL ABUSE.....5
DISABLED AND LIMITED ENGLISH PROFICIENT RESIDENTS8
TRANSGENDERED, INTERSEX, GAY, LESBIAN, AND BISEXUAL RESIDENTS9
RESIDENTS IN ISOLATION 10
**RESIDENTS WHO DISCLOSED PRIOR SEXUAL VICTIMIZATION DURING RISK
SCREENING 11**

GUIDELINES FOR AUDITORS: RESIDENT INTERVIEWS

Selecting residents for interviews:

The auditor shall interview a **minimum** of 10 residents during the audit visit. These individuals shall be drawn from different housing units at random. In very large facilities, the auditor will need to interview significantly more than 10 residents. For example, in a facility with over 5,000 residents, the auditor will need to interview more than 10, and possibly 20 or more residents, as required to develop a comprehensive assessment with time permitting. The decision regarding total number of residents to be interviewed should take into consideration the time available for interviews of both residents and staff during the visit. On the first day of the site visit, the auditor shall request a list of residents sorted by housing units. The auditor shall select at random at least **one resident from each housing unit** (in many cases this will be more than 10 residents) and request that these residents be brought for an interview at a time to be determined.

Interviews shall be conducted in a setting where residents will feel free to talk without being heard by staff, such as rooms used for attorney visits.

Informing residents of the audit's purpose and the reason for their requested participation:

Prior to interviewing each resident, the auditor should communicate the following to him or her:

"Thank you for agreeing to meet 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 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 residents and would like to ask you some questions about the facility and the staff. I am interviewing at least 10 other residents from this facility. I will be asking you questions about facility operations, the staff, and what you know about services that may be available to you. You may choose to not answer any or all of the questions.

"If some of these questions make you uncomfortable or upset, and if you would like to talk to somebody about this, please tell me and I will arrange for you to meet with a professional. Alternatively, you may want to request on your own to see the psychologist or counselor to arrange for this. **[IN ADVANCE OF RESIDENT INTERVIEWS, AUDITOR SHALL DETERMINE THE NAME OF THE MENTAL HEALTH PROFESSIONAL WHO WILL BE AVAILABLE FOR THIS PURPOSE.]**

"As a matter of professional conduct, I will do my very best to protect the confidentiality of the information that you provide to me. Under no circumstances can I be required to turn over my interview notes to the facility if they ask me for them. As I conduct my interviews, I will not be discussing what you tell me with any facility staff. However, you should be aware that if the U.S. Department of Justice wants to examine any of the information that I collect during this audit. I must provide it to them if they ask.

"You should also know that for the final report that I will give to the facility at the end of this audit, I am prohibited from including any personally identifying information of yours in it. The only way that my report could include personally identifying information is if I make a mistake and include it, and I can assure you that I will not make such a mistake. If my final report ends up including personally identifying information by mistake, I have to provide it to the agency if they ask.

"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 RESIDENT COMMENTS]**.

“Do I have your permission to ask you some questions?”

IF YES, GO TO QUESTIONNAIRE

RANDOM SAMPLE OF RESIDENTS

For questions 4, 5, and 6, ask residents about staff of the opposite gender viewing residents (e.g., if the resident is male, ask about female staff, and if the resident is female, ask about male staff):

1. When did you first come to this facility?
2. When you came here, were you told about:
 - a. Your right to not be sexually abused or sexually harassed?
 - b. How to report sexual abuse or sexual harassment?
 - c. Your right not to be punished for reporting sexual abuse or sexual harassment?
 - d. About how long after coming here did you get the information mentioned above (a-c)?
[115.333]
3. When you first came here, did you get information about the facility's rules against sexual abuse and harassment? [115.333]
4. Do MALE/FEMALE staff announce their presence when entering your housing area or any area where you shower, change clothes, or perform bodily functions? [115.315]
5. Have MALE/FEMALE (opposite gender of resident) staff ever performed a pat down search of your body? (Note to auditor: these types of pat down searches are permitted under the standards in exigent circumstances [115.315])
6. Are you and other residents ever naked in full view of MALE/FEMALE staff (not including medical staff such as doctors, nurses)? When? (For example, using the toilet, showering, changing clothing.) How often does this happen? [115.315]

If the resident entered the facility within the **past 12 months**, ask the next question, #7. Otherwise skip to Question #8. Note to the Auditor: These questions are to ascertain if the resident was screened for risk at intake. You may need to probe about the types of questions they were asked (if any). The following question provides some examples:

7. When you first came here, do you remember whether you were asked any questions like whether you have ever been sexually abused, whether you identify with being gay, bisexual or transgender, whether you have any disabilities, and whether you think you might be in danger of sexual abuse here? [115.341]
 - a. If YES, when were you asked these questions?
 - b. Has the staff ever asked you these types of questions again while you have been here?
[115.341]
 - i. If YES, when were you asked these questions again?
8. How would you report any sexual abuse or sexual harassment that happened to you or someone else? [115.351]
9. Is there someone who does not work at this facility that you could report to about sexual abuse or sexual harassment? [115.351]
10. Do you know if you are allowed to make a report without having to give your name? [115.351]
11. Can you make reports of sexual abuse or sexual harassment either in person or in writing? If YES, can someone else (for example, a friend or relative) make the report for you so that you do not have to give your name? [115.351]

12. Have you ever told anyone who works here that you were sexually abused or sexually harassed while in this facility?

If YES, skip questions 13-20 and go to next section, RESIDENTS WHO REPORTED A SEXUAL ABUSE; otherwise continue to the next question.

13. Do you know if there are services available outside of this facility for dealing with sexual abuse, if you ever need it? [115.353]

If the resident says YES, ask questions #14-18. If NO, skip to question #19

14. Can you tell me about what kind of services these are? *(Probe to see if they know they have access to victim advocates for emotional support services)*[115.353]

15. Does the facility give you mailing addresses and telephone numbers for these outside services? [115.353]

If YES:

- a. How does the facility give you this information? *(Probe to determine if the information is posted, included in a handbook, or otherwise available.)*
- b. What are these services? *(Probe if this information is provided for local, state, or national victim advocacy or rape crisis organizations and/or immigrant service agencies for persons detained solely for civil immigration purposes.)*
- c. Do you know if these telephone numbers are free to call?

16. When are you able to talk with people from these services? [115.353]

17. Do you know if what you say to people from these services remains private? [115.353]

18. Do you know if your conversations with people from these services would be told to or listened to by someone else? *(Probe about any mandatory reporting rules and their awareness of these rules)*

- a. If YES, when could they tell someone else about what you have told them and/or when could someone else listen? [115.353]

19. Does the facility allow you to see or talk with your lawyer or another lawyer and will they allow you to talk with that person privately? [115.353]

20. Does the facility allow you to see or talk with your parents or someone else? *(Probe if someone else, what that person's relationship is to the victim, e.g., legal guardian.)* [115.353]

RESIDENTS WHO REPORTED A SEXUAL ABUSE

Sample introduction for interviewer: *I'd like to talk with you about how the facility responded to your sexual abuse. I will not ask you details about what happened to you. If at any point you do not want to answer a specific question, you feel uncomfortable, or you do not want to answer any more questions, please let me know. Is it okay with you if I ask you some questions about how the facility responded to what happened to you?*

1. How soon after what happened to you did a staff person come to help you? [115.364]
2. Did you tell someone at the facility about what happened or did they find out about it in another way? *(Probe for length of time between a facility learning of abuse and responding (in the event that staff did not learn of the abuse at the time it occurred.)* [115.364]
3. Once the staff learned of what happened, how much time passed before a staff person came to you? [115.364]
 - a. What did this staff person do when he or she first got to you? *(Probe for actions listed in the standard – separate victim and abuser, preserve physical evidence, etc.)* [115.364]

Questions 4-9 should only be asked of residents who reported a sexual abuse (not an allegation of sexual harassment). Auditor should determine whether the allegation was for sexual abuse or sexual harassment by documentation review prior to the interview (not through direct questioning).

4. Did you have the chance to see a medical or mental health doctor/nurse in a timely fashion after you reported the abuse? [115.382]
 - a. If not, how much time passed before you saw them?
 - b. Why do you think that much time passed?
5. Did a medical or mental health doctor/nurse talk with you about other services available to you? *(Probe about treatment plans or, if necessary, referrals for continued care. Note: if medical staff did not determine that other services were appropriate, there is no requirement for medical staff to discuss them.)* [115.383]
6. Were you given any information about or offered any treatment after what happened to you? *(Probe about the type of information they received including information about preventing sexually transmitted infections and, if female, about emergency contraception.)* [115.382]
7. Were you offered tests for infections after what happened to you? [115.383]
8. Do you know if you or your family has to pay for any treatment related to what happened to you? [115.383]
9. When you reported what happened, did the facility allow you to contact anyone? [115.321]
 - a. Who was that person?
 - b. Do you know which office or organization they were from? *(Probe if it was community-based victim advocate, a facility staff member, or someone outside of the facility.)*
 - c. How did that person assist you? *(Probe if accompanied and supported during forensic medical examination, offered emotional support, crisis intervention, information, and/or referrals.)*
 - d. Is that person still available to you?
10. Did someone at the facility help you make a written report? If YES, how did they help you? [115.351]

11. Did the facility give you mailing addresses and telephone numbers for any outside services? [115.353]
- If YES:
- a. For what services? (*Probe if this information is provided for local, state, or national victim advocacy or rape crisis organizations and/or immigrant service agencies for persons detained solely for civil immigration purposes.*)
 - b. Are the numbers free to call?
12. Under what conditions were you able to talk with people from these services? [115.353]
13. Can you communicate (talk or write) with these people in a confidential way? (*Note to auditor: the standard requires the facilities to ensure these conversations are held "in as confidential a manner as possible" – which may not be "private." Therefore, a response of "no" here is not evidence of noncompliance with the standard.*) *Probe if not private, why not (e.g., are conversations being monitored by somebody at the facility).* [115.353]
14. Do you know if the people you would talk to about what happened could keep that information to themselves, or if they are required to tell someone else, such as a law enforcement officer? [115.353]
15. If you wanted to talk to a lawyer, did the facility allow you to see or talk with your lawyer or another lawyer? [115.353]
- a. Did they allow you to talk with that person privately?
16. If you wanted to talk to your parents or someone else, did the facility allow you to see or talk with them? (*Probe if someone else, what that person's relationship is to the victim, e.g., legal guardian.*) [115.353]
17. Did the facility require you to take a polygraph test [lie detector test] about what happened to you? [115.371]
18. After you reported what happened to you, did anyone tell you when the facility would make a decision about the report? (*Note to auditor – the standard requires that the facility notify residents about the merits of the case.*) [115.352]
19. Were you told in writing about any decision? [115.352]
- a. If YES, about how long after you made your report were you told?
20. *If it took longer than 90 days for them to be told about the decision, did the facility tell you in writing that making a decision would take longer?* [115.352]
- a. If YES, did they tell you the date when they would have a decision?
21. Was the person who did this to you a facility **staff member** or **another resident**?
- If the allegation involved a **staff member** and there was no finding that the allegation was unfounded (auditor should determine whether the allegation was unfounded based on agency/facility documentation, not through direct questioning of the resident), ask question #22:*
22. Were you told if and when this staff person: [115.373]
- a. Was no longer working in your housing area;
 - b. Was no longer working at the facility;
 - c. Was charged for this offense; and/or
 - d. Was found guilty for this offense?

*If the allegation involved **another resident**, ask:*

23. Were you told if and when this resident: [115.373]
 - a. Had been charged for this offense; and
 - b. Had been found guilty of it?
24. Do you feel safe in this facility? *If YES, why? If NO, why not? (If not, probe into issues related specifically to sexual safety and compliance with the standard. This should not be an open-ended inquiry into general conditions.)*
25. Do you feel protected enough against possible revenge from staff or other youth because you reported what happened to you? *(Probe about measures that were taken to protect the resident against retaliation.)* [115.367]

*If the victim is **female and reported incident involved sexual abuse by a male staff person or resident**, ask:*

26. Were you offered a pregnancy test after what happened to you? [115.383]
27. As a result of what happened to you, were you provided information about, and access to, pregnancy-related medical services? [115.383]
 - a. How quickly did the facility provide this information and the services you needed?

DISABLED AND LIMITED ENGLISH PROFICIENT RESIDENTS

****Note to the Auditor: An interview with limited English proficient or disabled residents must be conducted using the same adaptive measures specified in the PREA Standards. The auditor will need those skills, or be otherwise assisted by interpreters. PREA interview instruments will need to be made available in a form or format specified in the PREA standards.***

1. Does the facility provide information about sexual abuse and sexual harassment that you are able to understand? [115.316]
2. How did they give this information to you? [115.316]
3. Does the facility provide someone to help you read, write, speak, or to explain things to you if you need help? [115.316]
 - a. Who is this person? *(Probe if professional interpreter, or if the facility uses other residents as readers/interpreters.)*
 - b. Does he or she help you understand information about your rights concerning sexual abuse and sexual harassment and how to report it?

TRANSGENDERED, INTERSEX, GAY, LESBIAN, AND BISEXUAL RESIDENTS

Questions for transgender and intersex residents:

1. Did staff here ask you questions about your safety when you first came here? [115.342]
2. Have you been put in a housing area for only transgender or intersex residents? [115.342]
3. Are you allowed to shower without other residents? [115.342]
4. Have you been searched without any clothing on? Do you believe this was done to determine your gender? [115.315]

Questions for gay, lesbian, and bisexual residents:

5. Have you been put in a housing area only for gay, lesbian, bisexual, transgender, or intersex residents? [115.342]

RESIDENTS IN ISOLATION

These questions should be asked of residents who were placed in isolation during the past 12 months:

1. While you were in isolation or segregation (meaning when you were separated from other residents) were you able to: [115.342 and 115.368] *(Note: these activities can be denied to residents under the standards. They are to be permitted "to the extent possible." Thus, a "no" response does not indicate noncompliance with the standard.)*
 - a. Go to programs?
 - b. Go to school/classes?
 - c. Go to work?
 - d. Have other privileges? What privileges?
2. Did you receive daily visits from a doctor? *(Probe if medical or mental health clinician.)* [115.342 and 115.368]
3. About how many days or months were you held in isolation? *(Note to auditors: the standards do not establish a limit on the number of days a resident may be kept in isolation.)* [115.342 and 115.368]
4. *If the resident says he/she was held in isolation for more than 30 days, ask:* After you were placed in isolation, do you know if there were any meetings to review whether you needed to be kept there? [115.342 and 115.368]
 - a. If YES, about when did these meetings happen?
 - b. What took place during these meetings?

RESIDENTS WHO DISCLOSED PRIOR SEXUAL VICTIMIZATION DURING RISK SCREENING

4. When you told someone here that you had been sexually abused, did he or she ask if you wanted to meet with a doctor (medical or mental health care practitioner)? [115.381]
 - a. If YES, about how long after you told them this did you meet with a doctor? (*Note to the Auditor: The standard requires that previously victimized residents meet with a doctor within two weeks. You may have to probe to determine timing, e.g., was it more than one week, etc.?*) [115.381]