

NATIONAL
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CENTER



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

PREA COMPLIANCE AUDIT TOOL – QUESTIONS FOR A RANDOM SAMPLE OF STAFF

Prisons and Jails

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GUIDELINES FOR AUDITORS: RANDOM STAFF INTERVIEWS

Selecting staff for interview:

During the onsite visit, auditors shall interview a minimum of 10 correctional officers who have contact with adult inmates. In very large facilities, the auditor will need to interview significantly more than 10 correctional officers who have contact with adult inmates. For example, in a facility with over 5,000 inmates, the auditor will want to interview more than 10, and possibly 20 or more correctional officers, as required and time permitting. On the first day of the site visit, auditor shall request a list of staff sorted by assignment (e.g., supervision in housing units) and by shift. Auditor shall select, at random, one line staff from different assignments or work locations and request that these persons be brought for an interview on a subsequent day to be determined. The goal is to conduct interviews with representative staff working in housing blocks, segregation units, mental health units, and in camps where they exist.

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 more than five correctional officers to develop a more comprehensive assessment. The decision regarding total number of correction officers to be interviewed should take into consideration the time available for interviews of both inmates and staff during the visit.

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

Prior to interviewing each staff person, 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 harassment and abuse. 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 selected your name at random from a list of all staff and would like to ask you some questions about the facility policies and practices. I am interviewing at least [NUMBER] other staff at this facility. Your participation is voluntary, and you may choose not to answer any or all of the questions.

“Your answers and comments will be kept confidential. I will not share anything you say to me with any of the staff at this or any other institution, or with other law enforcement personnel. I will be reporting my overall impressions of this facility's operations based on what I hear from all staff interviewed and will not identify what any particular individual tells me.

“The only exception to this is if I am ordered by a court to disclose such information or if you tell me that you are planning to harm yourself or others. If I am told these plans, I am required by law to notify the authorities.

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

IF YES, GO TO QUESTION 1

1. Have you been trained on the following: *(115.31)*
 - a. Agency's zero-tolerance policy for sexual abuse and sexual harassment?
 - b. How to fulfill your responsibilities regarding sexual abuse and sexual harassment prevention, detection, reporting, and response, per agency policies and procedures?
 - c. Inmates' right to be free from sexual abuse and sexual harassment?
 - d. The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?
 - e. The dynamics of sexual abuse and sexual harassment in confinement?
 - f. The common reactions of sexual abuse and sexual harassment victims?
 - g. How to detect and respond to signs of threatened and actual sexual abuse?
 - h. How to avoid inappropriate relationships with inmates?
 - i. How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming inmates?
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?

2. *If the agency has a policy to train staff to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs, ask staff:* Have you received training on how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner, consistent with security needs? When did you receive this training? *(115.15)*

3. *If female inmates are incarcerated at this facility, ask staff:* If female staff are not available to conduct pat-down searches of female inmates, does the jail/prison restrict those inmates' access to programs or out-of-cell opportunities? *(115.15)*

4. *If the facility prohibits staff from searching or physically examining a transgender or intersex inmate for the sole purpose of determining the inmate's genital status, ask staff:* Are you aware of the policy prohibiting staff from searching or physically examining a transgender or intersex inmate for the purpose of determining that inmate's genital status? *(115.15)*

5. Are you aware that the agency requires *all* staff to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation? *(115.61)*

6. How can staff privately report sexual abuse and sexual harassment of inmates? *(115.51)*

7. How can inmates privately report sexual abuse or sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, or staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or harassment? *(115.51)*

8. When an inmate alleges sexual assault, can he/she do so verbally, in writing, anonymously, and from third parties? *(115.51)*
 - a. Do you document verbal reports? *(115.51)*

- i. If yes, how long, ordinarily, after an inmate makes a verbal report do you document it? *(115.51)*
9. When an inmate alleges sexual abuse, are you aware that the agency prohibits the use of inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances? *(115.16)*
 - a. To the best of your knowledge, have inmate interpreters, inmate readers, or other types of inmate assistants been used? *(115.16)*
10. Do you know and understand the agency's protocol for obtaining usable physical evidence if an inmate alleges sexual abuse? *(115.21)*
11. If you are the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what is your responsibility in that situation? *(115.62 and 115.64) (Probe: To whom would you report the alleged sexual abuse? Is there anyone with whom you would not share the information?)*
12. Do you know who is responsible for conducting sexual abuse investigations? *(115.21)*
13. If you learn an inmate is at risk of imminent sexual abuse, what actions do you take to protect the inmate? *(115.62)*
14. Do you (if opposite gender of inmate population)/do (female or male, whichever is opposite gender of inmate population) officers knock and announce their presence when they enter a housing unit any time there's a change in the status quo of the gender of supervision?
15. Are inmates/detainees able to dress, shower, and toilet without being viewed by staff of the opposite gender?