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U.S. Department of Justice

PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR A RANDOM SAMPLE OF STAFF

Juvenile Facilities

August 11, 2014

GUIDELINES FOR AUDITORS: RANDOM STAFF INTERVIEWS

Selecting staff for interview:

During the onsite visit, the auditor shall interview a **minimum** of ten correctional officers who have contact with residents. On the first day of the site visit, the auditor shall request a list of staff sorted by assignment (e.g., supervision in housing units) and by shift. The 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, in segregation units, in 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, the auditor may choose to interview more than ten correctional officers to develop a more comprehensive assessment. The decision regarding the total number of correctional officers to be interviewed should take into consideration the time available for interviews of both residents 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, the 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 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 staff and would like to ask you some questions about the facility’s policies and practices. I am interviewing at least [NUMBER] other staff members at this facility. Your participation is voluntary, and you may choose not to answer any or all of the questions.

“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 QUESTION 1

1. Have you been trained on:(if YES, probe on when training/refresher was last received) *(115.331)*
 - a. The agency's zero-tolerance policy on sexual abuse and sexual harassment?
 - b. How to fulfill your responsibilities regarding sexual abuse and sexual harassment prevention, detection, reporting, and response, in accordance with agency policies and procedures?
 - c. Residents' right to be free from sexual abuse and sexual harassment?
 - d. Residents' and employees' right 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 residents?
 - i. How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents?
 - j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?
 - k. Relevant laws regarding the applicable age of consent?

2. *If the agency has a policy to train staff to conduct cross-gender pat-down searches and searches of transgender and intersex residents in a professional and respectful manner, consistent with security needs, ask staff: (115.315)*
 - a. Have you received training on how to conduct cross-gender pat-down searches and searches of transgender and intersex residents in a professional and respectful manner, consistent with security needs? *(115.315)*
 - b. When did you receive this training?

3. Are you restricted from conducting cross-gender pat-down searches except in exigent circumstances? *(115.315)*
 - a. Can you provide an example of a circumstance that would warrant such a search?

4. *If the facility prohibits staff from searching or physically examining a transgender or intersex resident for the sole purpose of determining the resident's genital status, ask staff: Are you aware of the policy prohibiting staff from searching or physically examining a transgender or intersex resident for purpose of determining that resident's genital status? (115.315)*

5. Does 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 residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation? *(115.361)*
 - a. What is the agency/facility policy or procedure for reporting any information related to resident sexual abuse? *(115.361)*

6. How can staff privately report sexual abuse and sexual harassment of residents? *(115.351)*

7. How can residents privately report sexual abuse or sexual harassment, retaliation by other residents 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 sexual harassment? (115.351)
8. When a resident alleges sexual abuse or sexual harassment, can he/she do so verbally, in writing, anonymously and through third parties? (115.351)
 - a. Do you document verbal reports? (115.351)
 - i. If YES, how long, ordinarily, after a resident makes a verbal report do you document it? (115.351)
 9. Does the agency ever allow the use of resident interpreters, resident readers, or other types of resident assistants to assist disabled residents or residents with limited English proficiency when making an allegation of sexual abuse or sexual harassment? *If yes, are the circumstances under which that would be allowed limited at all?* (115.316)
 - a. To the best of your knowledge, have resident interpreters, resident readers, or other types of resident assistants been used in relation to allegations of sexual abuse or sexual harassment? (115.316)
 10. Do you know and understand the agency's protocol for obtaining usable physical evidence if a resident alleges sexual abuse? (115.321)
 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? (115.364) *(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? *(Note to auditor. A negative response to this question is not conclusive of compliance.)* (115.321)
 13. If you learn a resident is at risk of imminent sexual abuse, what actions do you take to protect the resident? *(Note to auditor. The standard requires immediate action but does not describe precise actions that must be taken. The purpose of this question is to understand the facilities process and is not conclusive of compliance.)* (115.362)
 14. How quickly do you take such actions? (115.362)
 15. Do you or other officers announce your presence when entering a housing unit that houses residents of the opposite gender (from yourself)? (115.315)
 16. Are residents able to dress, shower, and use the toilet without being viewed by staff of the opposite gender? *(If no, probe whether viewing limited to exigent circumstances or incidental to routine cell checks.)* (115.315)