

**PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS**

Date of report: July 5, 2016

Auditor Information			
Auditor name: Walter Sipple			
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Email: waltersipple@comcast.net			
Telephone number: 843-323-8851			
Date of facility visit: June 8-9, 2016			
Facility Information			
Facility name: Birmingham Community Based Facility			
Facility physical address: 1216 25 th Street North, Birmingham, Alabama 35234			
Facility mailing address: <i>(if different from above)</i> Same as above			
Facility telephone number: 205-292-2994			
The facility is:	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: James Tucker			
Number of staff assigned to the facility in the last 12 months: 7 of 49 staff			
Designed facility capacity: 293			
Current population of facility: 281			
Facility security levels/inmate custody levels: Minimum Out and Minimum Community Custody			
Age range of the population: 22 - 65			
Name of PREA Compliance Manager: Michael Wood		Title: Institutional PREA Compliance Manager	
Email address: Michael.wood@doc.alabama.gov		Telephone number: 205-252-2994 Ext. 650	
Agency Information			
Name of agency: Alabama Department of Corrections			
Governing authority or parent agency: <i>(if applicable)</i> State of Alabama			
Physical address: 301 South Ripley Street, Montgomery, Alabama 36301			
Mailing address: <i>(if different from above)</i> Same as above			
Telephone number: 334-353-3883			
Agency Chief Executive Officer			
Name: Jefferson Dunn		Title: Commissioner	
Email address: Jefferson.dunn@doc.alabama.gov		Telephone number: 334-353-3780	
Agency-Wide PREA Coordinator			
Name: Christy Vincent		Title: PREA Director	
Email address: Christy.vincent@doc.alabama.gov		Telephone number: 334-353-2501	

AUDIT FINDINGS

NARRATIVE

The Prison Rape Elimination Act on-site audit of the Birmingham Community Based Women's Facility, located in Birmingham, Alabama, was conducted on June 8-9, 2016, to determine compliance with the Prison Rape Elimination Act standards of August 20, 2012. Please refer to the National Prison Rape Elimination Act Resource Center for further information at www.prearesourcecenter.org. The audit was conducted by Walter Sipple, United States Department of Justice Prison Rape Elimination Act certified adult facilities auditor, and no others, operating as an independent contractor with no conflict of interest. The Birmingham Community Based Facility is designated as a female only facility and part of the State of Alabama Department of Corrections. The facility operates under the jurisdiction of the State of Alabama and is classified as a minimum out and minimum community custody, 293 maximum capacity facility, consisting of 13 housing units or dormitories. The inmate living areas are open dormitory style housing units in design. The Birmingham Work Release Center has one holding cell.

The mission statement for the Alabama Department of Corrections is, as follows: "The mission of the Alabama Department of Corrections is to confine, manage and provide rehabilitative programs for convicted felons in a safe, secure, and humane environment; utilizing professionals who are committed to public safety and to the positive re-entry of offenders into society".

The audit process consists of a review of the agency and facility. The pre-audit preparation included a thorough review of all documentation and material submitted by the agency and facility along with data included in the completed Pre-Audit Questionnaire. The auditor received primary documentation which consists of policy and secondary documentation which consists of procedure on a flash drive for review prior to the on-site phase of the audit process. The documentation reviewed also consisted of agency and facility policies, procedures, forms, education materials, training curriculum, organization charts, posters, brochures, quarterly reports, inmate population reports, memorandums of agreement, signed training rosters, community-based contact information, facility schematic, and other Prison Rape Elimination Act related materials that were provided to demonstrate compliance with the Prison Rape Elimination Act standards. This review prompted a series of questions that were reduced to writing and submitted to the Prison Rape Elimination Act Coordinator and Prison Rape Elimination Act Compliance Manager for review. Answers to the questions were submitted by the agency Prison Rape Elimination Act Coordinator and facility Prison Rape Elimination Act Compliance Manager and reviewed by the auditor prior to the on-site phase of the audit process. The agency defines the Prison Rape Elimination Act Coordinator as the Prison Rape Elimination Act Director.

An entrance meeting was held with the facility warden, facility level Prison Rape Elimination Act compliance manager, and the auditor during the on-site portion of the audit. The auditor was allowed access to the agency and facility in order to conduct the audit. Following the entrance meeting, the auditor toured and observed operations at the facility. The auditor contact information was posted throughout the facility prior to the on-site phase of the audit. The facility staff was fully cooperative with the auditor and audit process. A schematic layout of the facility was provided by the staff which consisted of the inmate housing areas. A list of staff, volunteers, and contractors to include assignments and roles was provided to the auditor along with listings by dormitory for a random and objective selection of inmates for interviews.

The auditor reviewed compliance with the Prison Rape Elimination Act standards based on a review of agency policy, procedure, practice, daily activities, documentation, observation, and interviews with staff and inmates. Interviews were conducted with outside agencies, to include but not limited to, the County Sheriff's Department; Rape, Abuse, and Incest National Network; Prison Rape Elimination Act Resource Center; Department of Justice settlement agreement monitor, Just Detention International; and the local rape crisis center, Crisis Center Birmingham (205) 323-7777; Alabama Department of Economic and Community Affairs (ADECA), and Alabama Coalition Against Rape at (334) 264-0123. The agency has a memorandum of agreement with an outside agency victim advocacy service available at no cost and confidential for the inmates at 1-800-639-4357.

Inmates were interviewed using the recommended Department of Justice protocols that question their knowledge of a variety of Prison Rape Elimination Act protections generally and specifically their knowledge of reporting mechanisms available to inmates to report abuse or harassment. Staff were questioned using the Department of Justice protocols that question their Prison Rape Elimination Act training and overall knowledge of the agency's and facility's zero tolerance policy, reporting mechanisms available to inmates and staff, the response protocols when an inmate alleges abuse, and first responder duties. An objective random sampling of staff, volunteer, inmate, and contractor interviews was selected from a series of lists presented to the auditor by the facility. Last names were randomly selected by the auditor from an alphabetically ordered list. A total of fourteen agency and facility staff were interviewed per random sampling from the auditor. A total of 27 inmates were interviewed per random sampling from the auditor, along with special category inmates and a sampling identified during the in-take screening process. The auditor also conducted an after-normal-hours visit on June 8, 2016, to observe evening operations and interview night section staff. An exit interview was conducted at the end of the on-site visit by the auditor with the agency level deputy commissioner of women's facilities, facility warden, and facility Prison Rape Elimination Act compliance manager. The facility reported 1 allegation of sexual abuse or sexual harassment in the past 12 months. The auditor thoroughly reviewed the allegation.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Birmingham Community Based Facility is located in the downtown area of Birmingham, at 1216 25th Street North, in Birmingham, Alabama. The facility is located next to a Baptist church in a residential area of downtown Birmingham. The facility benefits from the resources and opportunities of being located within a major city. It is an adult female, minimum out and minimum community custody, facility with a maximum capacity of 293 inmates. The agency, per regulation 454, defines youthful inmates as any inmate housed in an adult facility whose age is under eighteen. The facility reported that no youthful inmates are confined at the facility. The facility reported that the age range of inmates is from age 22 up to age 65. A total of 281 inmates were reported confined at the facility on the pre-audit questionnaire.

In 1973, the facility originally was used as a work release center for male inmates. All of the male inmates were eventually transferred to a facility called the East Thomas Work Release Center. In 1984, the facility was redesignated as a work release center for female inmates. Originally, the facility had an inmate capacity of 50 inmates. In 1988, a dormitory building was constructed as an addition to the original structure of the facility. The original pre-existing building is utilized for staff administration offices and the addition dormitory style building includes all inmate living areas, kitchen, recreation rooms, laundry, classroom, and library. Three exterior sheds are used for maintenance and supplies. The renovations increased the inmate capacity to 300 inmates. In 2015, all of the inmate restrooms in the dormitories were updated with wooden "saloon" style doors installed at the restroom entrance ways and wooden stalls and partitions around each toilet. Privacy curtains were installed in the inmate shakedown area. In 2015, a major 115 camera video monitoring system was installed along with mirrors. The facility has no perimeter fence around the facility.

Inmate custody classifications and security levels definitions: Minimum-out custody is for inmates that are not seen as a risk to themselves or others and can be assigned to work assignments away from Alabama Department of Corrections property without supervision by correctional officers. Most minimum-out custody inmates are housed at community work centers like the Birmingham Work Release Center; Minimum-community custody is for inmates that are not seen as a risk to themselves or others. Minimum-community custody inmates are allowed to work in the community and are housed in community based facilities when they are not working like the Birmingham Work Release Center; Level 1 is the security level for minimum-community custody inmates at community based centers and for those on supervised re-entry programs; and Level 2 is the security level for community work centers and is where most inmates in minimum-out custody are housed.

The inmate dormitories are double bunk and open bay in design and style. Each dormitory houses approximately 22-24 inmates with a full restroom area consisting of sinks, showers, and toilets. Dormitories A, B, C, D, E, H, and J are used for minimum community classification inmates. Dormitories F and G are used for minimum community and minimum out drug treatment and aftercare inmates. Dormitories I, K, L, M, and N are used for minimum out classification inmates. Dormitory O is a temporary holding cell primarily used for medical observation and inmates pending transfer.

The facility has approximately 49 staff employed at the facility to include contractors and no interns. A General Educational Development (GED) instructor is available from Lawson State Community College. Four full-time and four part-time nurses are available daily from Corizon Health Services to provide medical services to the inmates. One licensed mental health provider along with a mental health nurse is available from Mental Health Management Services to provide mental health services to the inmates. Numerous regular and irregular volunteers are allowed access to the facility. The Birmingham Work Release Center also benefits from the utilization of resources and opportunities from the Birmingham metropolitan area.

The facility provides several facility programming elements, which includes, but is not limited to the following: adult basic education courses, general educational development courses, job placement, alcoholics anonymous meetings, narcotics anonymous meetings, vocational education and work opportunities throughout the Birmingham area. The facility as a full-time drug treatment counselor to facilitate relapse classes and monitors active aftercare programs of recovering inmates. The facility operates a robust community-based work program consisting of approximately 120 inmates with many being able to keep their employment as they end their incarceration.

The Birmingham Women's Facility adopted and implemented what is considered "Gender-Responsive Strategies" as referenced by the National Institute of Corrections as generally accepted corrections practices. Per the National Institute of Corrections, one potential benefit of gender-responsive practices is to prevent sexual misconduct. In terms of staff training, standard training protocols often neglect or minimize information about women offenders. Preparing staff to work with women offenders requires increased knowledge about women that will help staff members develop the constructive attitudes and the interpersonal skills necessary for working with women under correctional supervision. Please refer to the National Institute of Corrections for further resource and reference material at www.nicic.gov/.

SUMMARY OF AUDIT FINDINGS

The auditor noted that the agency Prison Rape Elimination Act Coordinator designated the Birmingham Community Based Facility as an adult prison in reference to Prison Rape Elimination Act standard compliance under the adult prisons and jails audit process. The pre-audit preparation included a thorough review of all primary/policy and secondary/practice documentation and materials submitted by the agency and facility along with the data included in the completed Pre-Audit Questionnaire to demonstrate compliance with the standards. The auditor was impressed with the thoroughness of the documentation submitted.

The auditor conducted a thorough facility-wide audit. One sexual assault or sexual abuse harassment allegation case was reported during the past 12 month period from the date of the audit resulting in an unfounded determination. The auditor received no inquiries or requests for an interview during the audit process or inquiries from the auditor posted contact information. The auditor did receive one report of a previous inmate-on-inmate sexual harassment incident that allegedly occurred at another agency facility during the inmate interview process and that report was forwarded to the facility and agency staff during the on-site phase of the audit process. The facility warden took the allegation for immediate action.

The interviews of inmates reflected that they were aware of and understood the Prison Rape Elimination Act protections and the agency's zero tolerance policy. Inmates receive written materials at intake that provide detailed information about Prison Rape Elimination Act protections, the multiple ways to report sexual abuse or sexual harassment and ways to protect themselves from abuse. Inmates were able to articulate to the auditor what they would do and who they would tell if they were sexually abused. All facility staff interviewed indicated they had received detailed Prison Rape Elimination Act training and could articulate the meaning of the agency's zero tolerance policy.

In March 2014, the Alabama Department of Corrections partnered with The Moss Group, a nationally recognized consulting organization with over 25 years of experience working with correctional management issues, to aid the agency in complying with the Prison Rape Elimination Act standards. The Moss Group assisted the agency and facilities with staffing and safety assessments, policy review and development, technical assistance and training on internal investigations and other issues affecting facilities, staff, and inmate safety. The auditor was impressed with the agency wide commitment to become compliant with all Prison Rape Elimination Act standards.

The auditor was impressed with the agency and facility staff's ability to create a facility culture at the Birmingham Community Based Facility for Women that truly encompasses the gender responsive guiding principles in accordance with generally accepted correctional practices for women from such resources as the National Institute of Corrections. The auditor was able to confirm successful implementation and daily operation of these guiding principles from the inmate interviews during the on-site visit of the audit process. The overwhelming majority of the inmates complimented the facility warden and staff for creating and implementing what some considered a "tension free atmosphere" where the staff is approachable and responsive to their needs. The agency deputy commissioner for women's services deserves credit as well for adopting such practices for the inmates and facility. Specifically, gender responsive principles reflect operational practices in a prison setting based on empirical and gender based differences. Being gender responsive means adopting the principles, training employees, and creating and maintaining a prison environment that is grounded in evidence based practices, experience, research, and theory that acknowledges women's pathways into the criminal justice system and addresses issues such as history of sexual and physical abuse, violence, family relationships, substance abuse, mental illness and co-occurring disorders.

The auditor was also impressed with the extensive 115 facility camera and video monitoring system that was installed in 2015. The inmates and staff have a focus on a community-based transition program with active employment opportunities in the local community. The staff and inmates were completely cooperative and helpful throughout the audit process. The agency and facility staff did a good job of providing the auditor with primary and secondary documentation to confirm compliance with the Prison Rape Elimination Act standards. Additionally, the auditor was impressed with the newly updated agency website at www.doc.alabama.gov.

The auditor noted that this audit is the first of its kind for the facility, staff, and inmates. The auditor stressed the importance of maintaining compliance as well as conducting follow-up reviews by agency and facility leadership during the exit briefing. The auditor determined that the facility is 100% compliant with the Prison Rape Elimination Act standards for this relevant review period. In addition, the auditor determined that the facility exceeds standard 115.11 by the creation of agency regulation 454 and facility policy; exceeds standards 115.13 and 115.18 by the extensive upgrade in 2015 of the facility to a 115 camera and video monitoring system and gender-responsive strategies; exceeds standard 115.31 by the extensive agency and facility training plan; and exceeds standard 115.65 by creating a detailed and easy to follow coordinated response protocol for the facility staff (facility policy). The auditor determined that standard 115.14 is not applicable.

Number of standards exceeded: 5

Number of standards met: 37

Number of standards not met: 0

Number of standards not applicable: 1

Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Birmingham Community Based Facility for Women standard operating procedure (C-22) specifically defines and states the facility's zero tolerance policy in accordance with the Prison Rape Elimination Act standard 115.11. The policy states: "It is a 'Zero Tolerance' policy at Birmingham to emulate the Alabama Department of Corrections zero policy as outlined in Agency Regulation Number 454. The policy of Birmingham Community Based Facility is for prohibiting, preventing, detecting, responding to investigating any information that includes sexual overtones. It is the Policy of Birmingham Community Work Center/Community Based Facility to foster an institutional culture wherein their is a zero tolerance for sexual / misconduct / abuse / harassment or assault and to maintain standards of accountability for staff to be able to handle any given situation when dealing with victims of all sexual offenses. Any sexual offense(s) upon conviction(s) is subject to be punishable by law."

The auditor thoroughly reviewed the Alabama Department of Corrections written policy toward sexual abuse and sexual harassment and it specifically outlines the agency's approach to preventing, detecting, and responding to such conduct. The agency employs an agency-wide Prison Rape Elimination Act coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the Prison Rape Elimination Act standards. The Prison Rape Elimination Act coordinator, defined as Prison Rape Elimination Act director in the agency regulation, reports to the General Counsel of the Alabama Department of Corrections as reflected on the agency organizational chart. The auditor was impressed that the agency Prison Rape Elimination Act Coordinator is also a certified Prison Rape Elimination Act auditor with many years of experience and did an excellent job providing primary/policy and secondary/practice documentation to confirm compliance with the standards. The agency General Counsel is experienced with the Prison Rape Elimination Act and actively involved with agency and individual facility compliance with the standards. The Prison Rape Elimination Act compliance manager reports directly to the facility warden as reflected in the facility organizational chart.

The Alabama Department of Corrections Administrative Regulation (454) establishes the responsibilities, policies, and procedures to implement a zero-tolerance policy for prohibiting, preventing, detecting, responding to and investigating the sexual abuse and sexual harassment of inmates under Alabama Department of Corrections care and control. Specifically, the agency Prison Rape Elimination Act regulation (454) states: "It is the policy of the Alabama Department of Corrections to maintain a zero-tolerance policy against inmate sexual abuse and harassment and custodial misconduct. Any sexual conduct, whether inmate-on-inmate or employee-on-inmate, and whether consensual or forced, is strictly prohibited". As defined in Alabama Code of Laws Section 14-11-31: "It shall be unlawful for any employee to engage in sexual conduct with a person who is in the custody of the Department of Corrections, the Department of Youth Services, a sheriff, a county, or a municipality". Any person violating the subsection shall, upon conviction, be guilty of custodial sexual misconduct which is a Class C felony. Alabama Code of Laws Section 13A-6-65.1 also defines other specific areas of the law such as sexual torture which is a Class A felony.

The agency regulation and facility policy mandates a zero tolerance policy and an implementation plan is in place outlining how the agency and facility will implement the zero-tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment. The agency and facility has an easy to understand organizational chart and the auditor was provided a copy during the pre-audit phase of the audit. The facility staff acknowledged an understanding of the zero tolerance policy.

The auditor reviewed the Alabama Code of Laws, agency regulation, and facility policies and procedures (Alabama Code of Laws 13A-6-60 through 13A-6-70 (1975), 14-11-30 through 14-11-32, Administrative Regulation 454: Inmate Sexual Abuse and Harassment, facility Standard Operating Procedure C-28); observed facility practices; reviewed data provided by the facility staff; and interviewed residents and staff during an on-site visit and tour of the facility. The auditor was impressed with the level of commitment that the agency commissioner, deputy commissioner for women's facilities, agency general counsel, agency level director/coordinator, facility warden, and facility level compliance manager had toward compliance with the standards. The auditor was impressed with the facility's compliance with all of the standards. It was evident throughout the on-site phase of the audit process that all staff and residents have a thorough understanding of the agency policy and specifically the agency's zero tolerance policy. The regulation and policy forms the foundation and contains necessary definitions, sanctions and descriptions of the agency strategies and responses to sexual abuse and sexual harassment.

Based on the listed information, the agency and facility not only complies with the standard but exceeds the standard for the relevant review period.

Alabama Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Administrative Regulation Number 002: Organization and Objectives dated February 7, 2012.
- Birmingham Community Based Facility Standard Operating Procedure C-22: Zero Tolerance dated April 19, 2016.
- Alabama Department of Corrections Organizational Chart.
- Interviews with agency Deputy Commissioner of Women’s Services, Warden, Prison Rape Elimination Act Coordinator and facility Compliance Manager and documentation of training and credentials.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.
- Alabama Code of Laws 13A-6-60 through 13A-6-70 (1975) and 14-11-30 through 14-11-32.
- Alabama Department of Corrections Regulation Number 318.

Standard 115.12 Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed the agency Prison Rape Elimination Act coordinator as well as contracting officials. The auditor received confirmation of non-agency confinement of agency inmates in accordance with agency regulation (454). The General Counsel for the Alabama Department of Corrections is responsible for any contractual compliance with the Prison Rape Elimination Act standards. Specific contract documentation was received in reference to an agreement with the Talladega County Sheriff’s Jail and the Alabama Department of Corrections dated July 9, 2015.

The agency and facility is in compliance with the standard for the relevant rating period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Memorandum of Agreement with the Talladega County Sheriff’s Department and Alabama Department of Corrections dated July 9, 2015.
- Interviews with agency Prison Rape Elimination Act Coordinator and facility Compliance Manager and documentation of training and credentials.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed the Birmingham Community Based Facility warden as well as the agency Deputy Commissioner of Women's Services and verified that the staff develops, implements, and documents a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect residents against sexual abuse. Specifically, per agency regulation 454, the Prison Rape Elimination Act coordinator shall meet with the Warden annually to assess and document if any adjustments are needed to the staffing plan, video monitoring systems and other monitoring technologies. Facilities will document the review utilizing Form 454-J: Annual Prison Rape Elimination Act Staffing Plan Review. The facility takes the following into consideration per the standard:

- 1) Generally accepted detention and correctional practices;
- 2) Any judicial findings of inadequacy;
- 3) Any findings of inadequacy from Federal investigative agencies;
- 4) Any findings of inadequacy from internal or external oversight bodies;
- 5) All components of the institution's/facility's/center's physical plant (including "blind-spots" or areas where staff or residents may be isolated);
- 6) The composition of the inmate population;
- 7) The number and placement of supervisory staff;
- 8) Institution programs occurring on a particular shift;
- 9) Any applicable State or local laws, regulations, or standards;
- 10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
- 11) Any other relevant factors.

In circumstances where the staffing plan is not complied with, the agency shall document and justify all deviations from the plan. Whenever necessary, but no less frequently than once each year, the agency shall assess, determine, and document whether adjustments are needed to:

- 1) The staffing plan established pursuant to the standard;
- 2) Prevailing staffing patterns;
- 3) The facility's deployment of video monitoring systems and other monitoring technologies; and
- 4) The resources the facility has available to commit to ensure adequate staffing levels.

Specifically, the Birmingham Community Based Facility for Women standard operating procedure (C-03) details a step-by-step procedure on conducting unannounced rounds with documentation on facility form (454-G) logging such rounds for confirmation of compliance. The rounds and logs also include procedures for conducting video surveillance checks.

The agency and facility is in the first year cycle of becoming a Prison Rape Elimination Act compliant facility. The auditor reviewed agency regulation and policy (regulation 454 and facility policy C-03). The agency and facility meets the standard and complies with the standard for the relevant review period. The auditor specifically interviewed the agency deputy commissioner for women's services, facility warden and confirmed the required elements of the staffing plan along with documentation to support compliance. The auditor stressed and emphasized the importance of having and maintaining a thoroughly documented facility staffing plan and the facility warden acknowledged the importance. Based specifically on the facility's updated video monitoring system along with the successful implementation of gender-response strategies into the staffing plan and facility warden's active engagement and involvement to the daily operations of the facility the auditor determined that not only has the facility met the standard, but exceeded the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Administrative Regulation Form 454-J: Annual Prison Rape Elimination Act Staffing Plan Review.
- Birmingham Community Based Facility logs, rosters, video monitoring system, and schedules.
- Birmingham Community Based Facility Standard Operating Procedure C-03: Staffing Plan dated April 1, 2016.
- Interviews with agency Deputy Commissioner for Women's Services, agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Warden.

- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.14 Youthful inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Not Applicable

Auditor comments: Per memorandum, dated April 15, 2016, from the agency deputy commissioner for women’s services and Birmingham Community Based Facility, any agency youthful inmates will be confined at the Julia Tutwiler Prison for women. The Alabama Department of Corrections has an agency regulation (454). The Birmingham Community Based Facility does not confine youthful (inmates under age 18 as defined by agency regulation) inmates.

The auditor received a copy of the Tutwiler youthful inmate policy (8-19) and also confirmed that the Tutwiler facility successfully completed a Prison Rape Elimination Act audit in May-June 2016 and was found to be compliant with all standards. This standard is considered not applicable for this rating review.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Julia Tutwiler Prison for women policy 8-19.
- Agency Memorandum provided to the Auditor dated April 15, 2016.
- Interviews with agency Deputy Commissioner for Women’s Services, Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Warden.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.15 Limits to cross-gender viewing and searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Birmingham Community Based Facility warden reported zero cross-gender strip or cross-gender body cavity

searches of inmates during the previous 12 month period. The agency and facility has a written regulation and policy (AR 454, 336, 302, and facility policy) that prohibits any cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. The agency and facility policy states that the facility shall implement procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitals, except in exigent circumstances or when such viewing is incidental to routine cell and/or dorm checks. Such procedures shall require staff of the opposite gender to announce their presence when entering an inmate housing unit. The facility shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversation with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of the broader medical examination conducted in private by a medical practitioner. The agency shall train security staff on how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Specifically, the facility and agency standard operating policy procedure details cross-gender and transgender searching and viewing. Any incidents involving cross-gender strip searches are documented in accordance with agency administrative regulation 302.

The auditor specifically received documentation of policy and procedures, logs, and staff training curriculum and signature sheets to confirm compliance with the standard for this related review period. The inmates are dressed appropriately in the dormitories during daily operations and dress in the shower area of each dormitory.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Birmingham Community Based Facility Standard Operating Policy.
- Alabama Department of Corrections Administrative Regulation Number 336 dated February 8, 2016.
- Birmingham Community Based Facility logs and signed staff training rosters.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Warden.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.16 Inmates with disabilities and inmates who are limited English proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Birmingham Community Based Facility utilizes a variety of different methods to accommodate inmates with disabilities and inmates who are limited English proficient. Inmates have access to a telecommunication device (TTY/TDD) for the hearing impaired and the auditor observed Prison Rape Elimination Act information availability in Spanish. The agency and facility takes appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The agency takes reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burden, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

The auditor was able to confirm compliance with agency regulation (454), along with secondary documentation submitted by the agency and facility, observation, and interviews. The agency and facility has an agreement for services with the Alabama Institute for the Deaf and Blind. Specifically, the Dothan Regional Center, 111 Medical Drive, Dothan, Alabama, (334) 677-6270. The auditor also received and reviewed materials in formats for what the agency terms "lower functioning" abilities. The agency and facility utilizes the Prison Rape Elimination Act inmate education video titled, "What You Need to Know", from the Prison Rape Elimination Act Resource Center and Just

Detention International organizations. The agency utilizes Google Translation Services, www.translate.google.com, for inmates that are limited English proficient. The agency and facility is in compliance with the standard for the relevant rating period.

Auditor note: The National Center for Victims of Crime recently initiated and launched the Victim Connect Resource Center which is a resource for victims, to include but not limited to, providing critical, confidential assistance through phone, text, and chat along with interpreter services in over 200 languages. These services can be accessed at 1-855-4VICTIM or www.chat.victimconnect.org. The anti-sexual assault organization, RAINN, operates a national hotline at 1-800-656-4673 with access to a range of free services.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Institute for the Deaf and Blind, Dothan Regional Center, 111 Medical Drive, Dothan, Alabama, (334) 677-6270.
- Birmingham Community Based Facility reported facility quarterly inmate data, inmate educational documentation, brochures, and signed acknowledged forms.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Programs Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.17 Hiring and promotion decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Alabama Department of Corrections and the Birmingham Community Based Facility does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described.

The agency and facility considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. The agency and facility performs a criminal background records check before enlisting the services of any contractor who may have contact with inmates. A process is in place for criminal background checks at least every five years for current employees and contractors who may have contact with inmates (agency regulation AR216).

An interview with agency and facility staff confirmed compliance with the Prison Rape Elimination Act standard. Specifically, per agency regulation 454, the Alabama Department of Corrections Personnel Division is responsible for the completion of agency regulation 216, background investigations; form 216-B, Prison Rape Elimination Act compliance; and regulation 208, employee standards of conduct and discipline. Each new hire along with volunteers, Interns, and contractors receive a thorough background screening. This screening specifically includes criminal background checks through the National Crime Information Center. A sampling of new hires or promotions in the last 12 months not only revealed thorough background checks, but a quality recruiting program for new staff. The auditor noted several seasoned staff with many years of experience working with inmates and knowledgeable concerning agency policies and procedures.

The auditor specifically interviewed facility uniformed security section staff per random sampling and alternative shifts. The auditor reviewed the agency regulations, policies and procedures (agency regulation 454 and 216); observed agency and facility practices; reviewed data and documentation provided by the facility staff; and interviewed staff during an on-site visit and tour of the facility. The auditor was impressed with the quality of staff hires for the facility. The agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Administrative Regulation Number 216: Background Investigations dated December 7, 2015.
- Alabama Department of Corrections Administrative Regulation Number 208: Standards of Conduct and Discipline.
- Alabama Department of Corrections Administrative Regulation Number Form 216-B: Prison Rape Elimination Act Compliance.
- Alabama Department of Corrections Human Resources Department, Montgomery, Alabama.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Human Resource Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.18 Upgrades to facilities and technologies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed the Deputy Commissioner of Women’s Services on June 3, 2016, and she confirmed that the agency takes inmate safety into consideration in reference to any facility upgrades. The agency and facility considers a variety of factors when upgrading technology in the facility including primarily sight lines, blind spots, and inaccessible areas. Interviews with facility staff indicate that placement of cameras and mirrors are discussed frequently to keep enhancing safety and security for all inmates and staff. The auditor reviewed the agency regulations and facility policies and procedures (regulation 454 and facility policy C22); observed facility practices; reviewed data and documentation provided by the facility staff; and interviewed staff during an on-site visit and tour of the facility. The agency and facility not only meets the standard and complies with the standard for the relevant review period but substantially exceeds the standard.

In 2015, the Birmingham Work Release Center installed a 115 camera and video monitoring system throughout the facility. The auditor reviewed all cameras along with placements during the on-site visit portion of the audit process. The auditor also viewed the facility at night. The Samsung Security Manager System consists of a Virtual Matrix Controller, zoom feature control, and the ability to play recorded events. Specific auditor justification for exceeding the standard, the system has the enhanced capability to alert staff with what could be considered an automated trip wire activation system once anyone enters a secured room or area unauthorized throughout the facility 24 hours per day. The facility also has several mirrors placed throughout the facility. The auditor thoroughly reviewed the system and it is a thoroughly robust and updated system.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Birmingham Work Release Camera System capabilities memorandum.
- Birmingham Work Release Center Policy C22.
- Birmingham Work Release Center camera placement and video monitoring system schematic.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, warden, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: To the extent the agency is responsible for investigating allegations of sexual abuse; the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings, and criminal prosecution. The auditor reviewed agency regulation 454 to confirm compliance with the standard. The facility utilizes a multidisciplinary team investigation protocol for responding to abuse. The auditor confirmed with receipts of training certificates that the agency investigators completed the National Institute of Corrections investigations course which is a recognized compliance requirement to meet the standard as well as the evidence protocol from the United States Department of Justice, “A National Protocol for Sexual Assault Medical Forensic Examinations”, dated April 2013. The crisis center for the facility is STAR (Standing Together Against Rape), 530 South Lawrence Street, Montgomery, Alabama, (334) 213-1227. STAR has a written agreement with Correctional Medical Services, Inc. which is the recognized medical provider for the Alabama Department of Corrections to provide crisis services in accordance with the response protocol. They maintain a 24 hour hotline for an on-call Sexual Assault Nurse Examiner (SANE), (334) 571-0999. The facility and agency reported no forensic medical exams conducted during the past 12 months and meets the standard. The regional crisis center for Birmingham is Crisis Center, Inc., Rape Response & Sexual Assault Nurse Examiner (SANE), (205) 213-7273 crisis hotline.

All inmates receive timely access to emergency medical and mental health treatment and crisis intervention services at no cost to the victim utilizing the following: Lighthouse Counseling Center in Montgomery, Alabama, or the nearest emergency room Brookwood Medical Center, St. Vincent, or the University of Alabama, located in Birmingham, Alabama. The agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Administrative Regulation Number 306: Contraband and Evidence Management
- Alabama Department of Corrections Administrative Regulation Number 454-B: Prison Rape Elimination Act Investigation Checklist.
- Alabama Department of Corrections Administrative Regulation Number 302: Incident Reporting.
- Alabama Department of Corrections Administrative Regulation Number 327: Use of Force.
- Birmingham Standard Operating Procedure.
- Birmingham Crisis Center, Brookwood Medical Center, Lighthouse Counseling Center, St. Vincent.
- National Institute of Corrections investigations course certificate completions and continuing education credits.
- A National Protocol for Sexual Assault Medical Forensic Examinations.
- Memorandum of Understanding between STAR and Correctional Medical Services, Inc.
- Rape Crisis Centers listing.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.22 Policies to ensure referrals of allegations for investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed the Deputy Commissioner for Women’s Services and she confirmed that the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment. The agency and facility refers all criminal investigations to the Alabama Department of Corrections Investigations and Intelligence Division and conducts administrative investigations at the facility level. The agency has a team of approximately 20 to 21 headquarters level staff investigators.

Per Alabama Code of Laws 13A-6-66 and 13A-6-67: Unlawful sexual relations with a person of the same or opposite sex, done forcibly and/or against the person’s will or done with a person incapable of consenting as a result of being drugged, drunk, unconscious, mentally abnormal, physically helpless, or legally incapable of giving consent (13A-6-63/64/65 addresses sexual misconduct and sodomy). Alabama Code Section 14-11-31: “It shall be unlawful for any employee to engage in sexual conduct with a person who is in the custody of the Department of Corrections”.

The facility reported 1 allegation in the past 12 months that was investigated. The auditor reviewed the agency and facility regulations, policies and procedures (regulation 454 and 300); observed agency practices; reviewed data provided by the facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The auditor confirmed the agency and facility investigators completion of specialized investigative training from the National Institute of Corrections. The agency and facility meets the standard.

State Law, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Code of Laws 13 A-6-63/64/65/66/67 and Alabama Code Section 14-11-31.
- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- National Institute of Corrections investigations course certificate completions and continuing education credits.
- Alabama Department of Corrections Administrative Regulation Number 300: Investigations and Intelligence Division dated August 11, 2004.
- Interviews with agency Deputy Commissioner for Women’s Services, Prison Rape Elimination Act Coordinator, facility Compliance Manager, Warden, and Facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.31 Employee training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Alabama Department of Corrections and the Birmingham Community Based Facility performs Prison Rape Elimination Act pre-service and in-service training. Specifically, per agency regulation 454, employee instruction shall be accomplished during initial training, annual in-service training, specialized training, and additional training, as needed. Employee training shall be documented to denote employee understanding of material and verified through employee signature and refresher training shall be accomplished at least every two years. The agency trains all employees who have contact with inmates on the following:

- 1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- 2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment; prevention, detection, reporting, and response policies and procedures;
- 3) Inmate’s right to be free from sexual abuse and sexual harassment;
- 4) The right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- 5) The dynamics of sexual abuse and sexual harassment in confinement;
- 6) The common reactions of victims of sexual abuse and sexual harassment;

- 7) How to detect and respond to signs of threatened and actual sexual abuse;
- 8) How to avoid inappropriate relationships with inmates;
- 9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Specifically, the facility has a policy and procedure detailing employee education and training in reference to the prevention, detection, response, and reporting of inmate sexual offenses, sexual harassment, and custodial sexual misconduct. The documentation of training is kept at a regional training center for confirmation of compliance.

The Alabama Department of Corrections has made great strides in conforming to both spirit and letter of the law. The agency Training Division and Investigations & Intelligence Division has been working and training together to proactively implement policies and procedures for the detection, elimination and prosecution of rape, sexual assault and all other forms of prisoner abuse. The following is a brief summary of PREA related training events the ADOC has participated in or conducted as of August 14, 2009:

- Calendar year 2003 – all ADOC employees received a block on instruction on Professional Employee Conduct with Offenders (Staff Sexual Misconduct).
- March 2003 – Wendy Williams [Director of Training], John Jacobs [Director of Research], and Roy Hightower [Regional Coordinator] attended the NIC Program, “Addressing Staff Sexual Misconduct with Inmates,” in Washington DC at American University.
- November 2003 – all executive leadership of the ADOC attended a 2-day workshop on Staff Sexual Misconduct and PREA, provided thru technical support from NIC.
- Calendar Year 2004 - All ADOC staff and volunteers attended a one hour PREA orientation class conducted by the Training Division.
- March 2004 - Investigations & Intelligence representatives attended a 36-hour National Institute of Corrections (NIC) PREA Training Program in Washington DC.
- Calendar Year 2005 – all ADOC employees attended a block of instruction on Undue Familiarity with Offenders (Staff Sexual Misconduct / PREA).
- 2005 – Investigations & Intelligence representatives attended a PREA Regional Meeting in New Orleans, LA to prepare for our implementation of PREA procedures and policies.
- November 8-10, 2005 – Commissioners, Wardens, and Directors attended a two Day Seminar for Executive Leadership – Technical assistance on PREA provided by National Institute of Corrections (NIC) in conjunction with the Moss Group
- 2006– Investigations & Intelligence representatives attended a PREA Regional Meeting in Austin, TX to prepare for our implementation of PREA procedures and policies.
- 2006 – Investigations & Intelligence representatives attended a PREA Regional Meeting in Albany, NY to prepare for our implementation of PREA procedures and policies.
- January through April 2006 – A two hour seminar on PREA was provided to all LE Staff, Support staff, Contract staff and vendors. Additional training was provided to the Alabama Department of Public Health at sites throughout the state
- October 2006 – Training Director and Deputy Director attended a Training for Trainers presented by the National Institute of Corrections (NIC) in Portland OR in conjunction with the Moss Group.
- March 1st, 2007 – Nine (9) Regional PREA Coordinators were appointed to coordinate regional response teams who respond to PREA related incident.
- March 19 - 23, 2007 – Regional PREA Coordinators attended a 36-hour “Training for the Trainer” with resources provided by the National Institute of Corrections (NIC) in conjunction with the Moss Group.
- May 21 & 22, 2007 – Investigations & Intelligence Division Director, Training Division Director, Investigators and PREA Coordinators attended a 24-hour joint training conducted by the Moss Group focusing on Sexual Assault Investigation within Prison Settings.

- Calendar Year 2007 – A six hour block of PREA/Staff Custodial Sexual Misconduct Training was conducted for all LE Staff and all Support Staff. This training was conducted as part of annual In-Service Training.
- April 2007 – PREA Female Offender Education classes began at Julia Tutwiler Prison for Women and the Birmingham Community Work Center.
- May 2007 – PREA Male Offender Education classes began at Limestone Correctional Facility.
- June 2007 – PREA Offender Education was conducted for ADOC inmates incarcerated in a contracted Louisiana facility
- May 13 - 16, 2008 – Regional PREA Coordinators attended a 40-hour week long “Training for the Trainer” conducted by members of the ADOC Training Division with resources provided by the National Institute of Corrections (NIC) and the Moss Group
- November 2008 – PREA Offender Education was completed for all ADOC facilities located throughout the state
- January through December 2009 – A two hour PREA Update Seminar is being conducted for all ADOC LE Officers and all Support/Contract Staff. Also during this same period, a two hour PREA Supervisor Training Seminar is being conducted for all ADOC LE Supervisors and all Support/Contract Supervisors. This training is conducted as part of 2009 annual In-Service Training.
- July 13 - 16, 2009 – Regional PREA Coordinators attended a 40-hour week long “Training for the Trainer” conducted by members of the ADOC Training Division with resources provided by the National Institute of Corrections (NIC) and the Moss Group
- January through December 2010 – A two hour PREA Update Seminar was conducted for all ADOC LE Officers and all Support/Contract Staff. Also during that same period, a two hour PREA Supervisor Training Seminar was conducted for all ADOC LE Supervisor. This training was conducted as part of 2010 In-Service Training.
- Calendar Year 2011 – Implemented a PREA Dashboard within the ADOC computer system which consisted of training throughout the year.
- February 15-17, 2012 – Regional PREA Coordinators begin Training and Development Classes offered at the University of Alabama. These classes will take place periodically through out the year of 2012.

In March 2014, the Alabama Department of Corrections partnered with The Moss Group, a consulting group with over 25 years of experience working with correctional management issues, to aid the agency in complying with the Prison Rape Elimination Act standards. The Moss Group assisted the agency with staffing and safety assessments, policy review and development, technical assistance and training on internal investigations and other issues affecting facilities, staff, and inmate safety.

The auditor reviewed the agency and facility regulations, policies, and procedures (regulation 454) along with secondary documentation (practice) submitted with the pre-audit questionnaire; observed agency and facility practices; reviewed data and documentation provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The auditor received copies of specific lesson plans and staff signed training events. The agency and facility exceeds the standard for this rating period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Birmingham Community Based Facility Standard Operating Procedure.
- Staff In-service Training Curriculum and Test.
- Prison Rape Elimination Act pamphlet.
- Interviews with agency Prison Rape Elimination Act Coordinator, Warden, facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.32 Volunteer and contractor training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed both volunteer and contractor staff assigned to the facility and confirmed receipt and understanding of specific Prison Rape Elimination Act training requirements. The auditor was impressed with the facility canteen contract staff during the on-site visit phase of the audit process.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454); observed agency and facility practices; reviewed data and documentation provided by the facility staff; and interviewed volunteers and contractors during an on-site visit and tour of the facility. The agency and facility meets the standard for this relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Contractor and Volunteer Training Curriculum and signed acknowledgement forms.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Facility Contractors/Volunteers.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Birmingham Community Based Facility reports that 314 inmates have been admitted in the past 12 months and all have been provided comprehensive information within 30 days of intake. Prison Rape Elimination Act inmate education options were duplicative to include but not limited to postings on walls throughout the facility, brochures, handbook, pamphlet, and videos. During the intake process, inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Each inmate receives additional written information in the form of an inmate handbook. The agency and facility provides a comprehensive education to inmates regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

The Prison Rape Elimination Act compliance staff utilizes multiple training options. Various forms of training materials are also available in Spanish to include posters and pamphlets. The auditor confirmed Prison Rape Elimination Act related education and training within a very short period of arrival time. The auditor also interviewed intake staff.

Specifically, the facility policy and procedures details inmate education and training in reference to written and verbal general intake information that explains the agency's zero tolerance policy regarding sexual abuse and harassment. The documentation of training is kept by the facility Prison Rape Elimination Act compliance manager for confirmation of compliance. Per agency regulation 454, upon completion of an inmate's Prison Rape Elimination Act orientation, the inmate shall sign an inmate awareness acknowledgement form.

The interviews of inmates reflected that they were aware of and understood the Prison Rape Elimination Act protections and the agency's zero tolerance policy. The auditor also received inmate signed acknowledgement forms confirming the training. Inmates receive written material at intake that provides detailed information about Prison Rape Elimination Act protections and the multiple ways to report sexual abuse or harassment. The auditor reviewed the agency regulation and facility policies and procedures (regulation 454); observed facility practices; reviewed data and documentation provided by the facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The agency and facility meets the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Administrative Regulation Form 454-A: Inmate Awareness Acknowledgement.
- Birmingham Community Based Facility Standard Operating Procedure.
- Inmate Training Curriculum and signed acknowledgement forms.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and Facility Inmates.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.34 Specialized training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor was impressed with the agency level investigative team. The agency maintains approximately 20 to 21 headquarters level investigators. The auditor confirmed that they received specialized training in accordance with the standard. Specifically, the investigative staff completed the National Institute of Corrections investigator training, "Prison Rape Elimination Act: Investigating Sexual Abuse in a Confinement Setting", which fully complies with the standard. Any cases that involve criminal investigations are referred to the Alabama Department of Corrections Investigation and Intelligence Division. Specialized training included such things as techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The agency and facility training is in accordance with the Prison Rape Elimination Act standard.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454); observed agency and facility practices; reviewed data and documentation provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Investigator National Institute of Corrections training certificates and other training credentials.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and Facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.35 Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)

- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor noted that the agency and facility has a written agreement between The Lighthouse Counseling Center “Standing Together Against Rape” (STAR) Program and Correctional Medical Services for inmate medical and mental health assistance in reference to sexual abuse and sexual harassment. The auditor verified specialized training completion for the facility medical and mental health care staff. The auditor interviewed the medical and mental health staff and was thoroughly impressed with her knowledge and expertise. The medical and mental health staff interviewed was knowledgeable in reference to the Prison Rape Elimination Act training. The agency and facility ensures that all full, part-time, and contract medical and mental health care practitioners who work regularly with inmates have been trained in:

- 1) How to detect and assess signs of sexual abuse and sexual harassment;
- 2) How to preserve physical evidence of sexual abuse;
- 3) How to respond effectively and professionally to victims of sexual abuse/harassment;
- 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment;
- 5) Recognize the special medical and mental health needs of all inmates;
- 6) Factors to consider in an inmates’ risk of sexual victimization; and
- 7) Training shall be documented to denote employee understanding of material and verified through employee signature.

Specifically, the facility standard operating policy and procedures details specialized medical staff training. The documentation of training is kept at the regional training center for confirmation of compliance.

The auditor reviewed the agency regulatoin and facility policies and procedures (regulation 454); observed agency and facility practices; reviewed data and documentation provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The agency and facility meet the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Birmingham Community Based Facility Standard Operating Procedure.
- Medical and Mental Health Staff Training documentation with signatures.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.41 Screening for risk of victimization and abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed the agency Prison Rape Elimination Act Coordinator on June 2, 2016, and she confirmed having a secure computer-based system for inmate’s risk assessments. The auditor recently completed a required webinar in April 2016 from the Prison Rape Elimination Act Resource Center in reference to the inmate intake process. Based on interviews with random inmates and intake staff, all inmates are assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Intake screening shall ordinarily take place within 72 hours of arrival and more often is completed within 24 to 48 hours of arrival. Such assessments shall be conducted using an objective screening instrument. The intake screening shall consider, at a minimum, the following criteria to assess inmate for risk of sexual victimization:

- 1) Whether the inmate has a mental, physical, or developmental disability;
- 2) The age of the inmate;
- 3) The physical build of the inmate;
- 4) Whether the inmate has previously been incarcerated;
- 5) Whether the inmate’s criminal history is exclusively nonviolent;
- 6) Whether the inmate has prior convictions for sex offenses against an adult or child;
- 7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- 8) Whether the inmate has previously experienced sexual victimization;
- 9) The inmate’s own perception of vulnerability; and
- 10) Whether the inmate is detained solely for civil immigration purposes.

Any other specific information about individual inmates that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other inmates.

The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive. An inmate’s risk level is reassessed from the inmate’s arrival when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness.

The agency and facility implements appropriate controls on the dissemination within the agency of responses to questions asked pursuant to this standard or order to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates. Only limited staff has access to the risk screening form (Alabama Department of Corrections Form 454-C) through a controlled access program.

The auditor interviewed the facility staff responsible for inmate intake screening. The intake staff acknowledged the importance of the inmate intake screening process. The facility staff understood the process as well as the Prison Rape Elimination Act standard.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454 and intake screening instrument Form 454-C); observed agency and facility practices; reviewed data and documentation provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The agency and facility meet the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Risk Factor Checklist Form 454-C and “Vault Procedures” for controlled access.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.42 Use of screening information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor recently completed a required webinar in April 2016 from the Prison Rape Elimination Act Resource Center in reference to Standard 115.42. The auditor confirmed that agency regulation (454) specifically states, “A transgender or intersex inmate’s own views with respect to his or her own safety shall be given serious consideration”. The auditor observed and reviewed the agency’s and facilities risk-based housing unit placement decisions and screening form. The agency and facility uses information from the risk screening to inform housing, cell, bed, work, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454, 433, and 435); observed agency and facility practices; reviewed data and documentation provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The agency and facility meet the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016; along with Regulation Number 433 and 435.
- Risk Factor Checklist Form 454-C and Housing Unit Placement documentation.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.43 Protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Per memorandum, dated April 20, 2016, from the agency deputy commissioner for women’s facilities, inmates from the Birmingham Work Release Center requiring protective custody will be transferred to the Julia Tutwiler Prison for women. The agency regulation (454 and Form 454-H: Post Allegation Protective Custody) mirrors the standard in that inmates at high risk for sexual victimization or those who report sexual victimization shall not be placed in involuntary administrative or punitive segregation unless there has been an assessment of all other available alternatives and a determination made that there are no other alternatives available.

The facility reports that it does not have a designated segregation unit and has one inmate holding cell. Any form of protective custody would consist among other alternatives to include the transfer of the inmate to another facility if necessary. The agency and facility meet the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Risk Factor Checklist Form 454-H and Post Allegation Protective Custody.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.
- Agency Memorandum provided to the Auditor dated April 20, 2016.

Standard 115.51 Inmate reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Alabama Department of Corrections and the Birmingham Community Based Facility has multiple ways for inmate reporting of sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. The auditor tested the inmate phone system to confirm agency and facility access for inmate reports of sexual abuse and sexual harassment to agency and facility officials. The auditor contacted the local rape crisis center, Birmingham Crisis Center, Inc. (205) 213-7273; Lighthouse Counseling Center in Montgomery; Lifelines Counseling Services 24 hour hotline at (251) 473-7273, Alabama Department of Economic and Community Affairs (ADECA), and Alabama Coalition Against Rape at (334) 264-0123., and they confirmed no calls were received from inmates within the last year. These are considered outside the agency organizations. The auditor also contacted Just Detention International, which is a national advocacy organization, and they stated that they have not fielded any calls or contacts related to the facility. The auditor interviewed inmates and they were well informed concerning the inmate reporting process for anything related to the Prison Rape Elimination Act. The facility reported having no male inmate grievances. The inmates can report to any facility staff member, Prison Rape Elimination Act compliance manager assigned to the facility, call the hotline number, or submit a report in the facility’s Prison Rape Elimination Act drop box which is a secured receptacle located at each facility.

The agency has an internal reporting process written in the inmate handbook and self-address envelopes for the Alabama Department of Correction Investigations and Intelligence Division. The inmates are told to call on the inmate phone system which is recorded or correspond via mail to the Director, Investigations and Intelligence Division, P.O. Box 301501, Montgomery, Alabama 36130. The auditor reviewed the Alabama state law, agency regulation and facility policies and procedures (Alabama Code of Laws 14-11-30 through 14-11-32, Agency regulation 454, 318, and Inmate Handbook); observed agency and facility practices; reviewed data and documentation provided by the facility staff; interviewed outside organizations; and interviewed inmates and staff during an on-site visit and tour of the facility. The agency and facility meets the standard.

Alabama State Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Code of Laws 14-11-30 through 14-11-32.
- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Inmate Handbook.
- Alabama Department of Corrections Hotline Number and written address to investigations.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.52 Exhaustion of administrative remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed the agency Deputy Commissioner of Women's Services on June 3, 2016 and confirmed the agency and facility policy D-01: Inmate Grievance Procedure, dated February 15, 2016, in accordance with the Prison Rape Elimination Act standard 115.52. It is the policy of the Birmingham Women's Facility that all inmates have the right to utilize the grievance procedure without fear of reprisal. Birmingham Women's Facility shall ensure that all grievances will be considered in a fair and impartial manner and resolved at the lowest possible level.

Per the agency and facility policy: Grievance forms shall be available on the main, upstairs and downstairs hallways. Inmates shall have unimpeded access to grievance forms (Form D-01-A). If required to ask staff for the form the inmates shall be given the form without question or discussion. Birmingham Women's Facility staff shall assist inmates who are limited English proficient, visually impaired, have a mental health impairment, are otherwise disabled, or who have limited reading or writing skills in accessing the grievance system. Inmates filing grievances must file the grievance within three (3) calendar days from the date the grievance issue occurred. Inmates shall file the grievance on form D-01-A and place the completed forms inside the Grievance Box located on the first floor main hallway. The institutional grievance officer, appointed by the facility warden, will check the Grievance Box daily and collect the completed forms. The institutional grievance officer will log the grievance form on form D-01-C or Institutional Grievance Log. The institutional grievance officer will review, investigate, and respond to each grievance within seven (7) working days of receipt.

Per the agency and facility policy: If an inmate is not satisfied with the institutional grievance officer's response, that response may be appealed on form D-01-B or inmate grievance appeal form, to the agency level Departmental Grievance Coordinator within five (5) calendar days from the date of the institutional grievance officer's response. Upon receipt of an appeal, the coordinator will acknowledge receipt on the grievance log and a receipt shall be forwarded to the inmate. The coordinator will review, investigate, and respond to all grievances within twenty (20) working days of receipt. The coordinator shall forward one copy of the finding and response to the inmate. An inmate can withdraw her grievance at any time during the grievance process by completing form D-01-D or inmate grievance withdrawal form. The inmate grievance withdrawal form shall be completed and placed in the grievance box located in the main hallway on the first floor. Birmingham Women's Facility prohibits retaliatory practices by staff against inmates who file a grievance. Inmates shall be entitled to pursue, through the grievance procedure, a complaint that a reprisal occurred as the result of the filing of a prior grievance.

Per the agency and facility policy: Inmates shall follow normal grievance procedures, except when the grievance involves issues of sexual abuse, sexual harassment, or any verbal or physical abuse. When an emergency grievance is submitted for these issues, it shall not constitute the sole response to allegations of sexual abuse. There will be no time limit imposed on when an inmate may submit a grievance regarding an allegation of sexual abuse, sexual harassment, or any verbal or physical abuse. Inmates are not required to use an informal grievance process, and/or any attempt to resolve with staff, an alleged incident of sexual abuse, sexual harassment, or any verbal or physical abuse. The inmate may submit a grievance to any staff member, and does not have to submit a grievance to a staff member who is the subject of the complaint and shall not be referred to a staff member who is the subject of the complaint. The emergency grievance shall be forwarded immediately, without substantive review, to the shift commander for immediate corrective action if necessary. The shift commander will immediately forward grievances involving allegations of sexual abuse or sexual harassment to the institutional Prison Rape Elimination Act compliance manager and the investigations and intelligence division. After consultation with the facility warden or compliance manager, the grievance officer shall provide an initial response to the inmate within forty-eight (48) hours of receipt. The grievance officer shall provide a final response within five (5) calendar days. A final decision on the merits of any portion of a complaint alleging sexual abuse, sexual harassment, or any other verbal or physical abuse by staff will be provided to the inmate within 30 days of the initial filing of the complaint. The option of an extension of up to an additional 30 days, approved and documented by the facility warden, may be granted with written notice of status update provided to the inmate. Third parties, shall be permitted to assist inmates in filing requests.

The auditor reviewed the agency regulation and facility policies and procedures (454 and D-01); observed agency and facility practices; reviewed data provided by the agency and facility staff; reviewed the inmate handbook; and interviewed inmates and staff during an on-site visit and tour of the facility. The auditor requested and received a copy of the inmate handbook to confirm compliance with the standard. The agency and facility meets the standard for the relevant rating period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Inmate Grievance Procedure Policy D-01 dated February 15, 2016.
- Alabama Department of Corrections Hotline Number and written address to investigations.
- Interviews with agency Deputy Commissioner, Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The agency and facility has a documented memorandum of agreement with the Alabama Department of Economic and Community Affairs (ADECA) which is a third party public entity. The agency and facility also has a documented memorandum of agreement between Standing Together Against Rape (STAR) and the Correctional Medical Services (CMS). The Alabama Coalition Against Rape, (334) 264-0123 is the rape crisis outside agencies. The agency has a memorandum of agreement with an outside the agency victim advocacy service at 1-800-639-4357. The agency also maintains informational posters and hotline number access for inmates.

The local community-based rape crisis center is Crisis Center Birmingham, 3600 8th Avenue South, Birmingham, Alabama (205) 213-7273. The crisis center is an outside the facility and agency confidential support service.

Auditor note: The National Center for Victims of Crime recently initiated and launched the Victim Connect Resource Center which is a resource for victims, to include but not limited to, providing critical, confidential assistance through phone, text, and chat along with interpreter services in over 200 languages. These services can be accessed at 1-855-4VICTIM or www.chat.victimconnect.org. The anti-sexual assault organization, RAINN, operates a national hotline at 1-800-656-4673 with access to a range of free services.

The auditor reviewed the agency regulation and facility policies and procedures (454 and Form MH – 008: Referral to Mental Health), observed agency and facility practices, reviewed data provided by the agency and facility staff, interviewed outside agencies, and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed and provided information, the agency and facility meets the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Birmingham Community Based Facility Standard Operating Procedure.
- Form MH – 008: Referral to Mental Health.
- Memorandum of Agreement: Department of Corrections and ADECA, STAR, CMS, and Alabama Coalition Against Rape.
- Interviews with agency Deputy Commissioner of Women's Services, agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.54 Third-party reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor confirmed that the agency and facility has regulations, policies, and procedures, specifically agency regulation 454, that third-party reports will be accepted. The agency offers opportunities for third-party reporting on the agency website located at www.doc.alabama.gov. The reporting form on the website can also be submitted anonymously. The auditor verified through staff interviews that they are aware of and concur with reporting requirements in accordance with the agency regulation and Prison Rape Elimination Act standard.

The agency and facility also has a documented memorandum of agreement between Standing Together Against Rape (STAR) and the Correctional Medical Services (CMS). The Alabama Coalition Against Rape, (334) 264-0123 is the rape crisis outside agencies. The policy specifically references, The Lighthouse Counseling Center with additional emergency services access to the Crisis Center of Birmingham, if needed.

Auditor note: The National Center for Victims of Crime recently initiated and launched the Victim Connect Resource Center which is a resource for victims, to include but not limited to, providing critical, confidential assistance through phone, text, and chat along with interpreter services in over 200 languages. These services can be accessed at 1-855-4VICTIM or www.chat.victimconnect.org. The anti-sexual assault organization, RAINN, operates a national hotline at 1-800-656-4673 with access to a range of free services.

The auditor reviewed the agency regulation and facility policies and procedures; observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meet the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Facility Standard Operating Procedure.
- Alabama Department of Corrections website www.doc.alabama.gov.
- Alabama ADECA, STAR, CMS, Crisis Center of Birmingham, and Alabama Coalition Against Rape.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.61 Staff and agency reporting duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Based on a review of agency regulation and facility policy, procedure, and practice along with staff interviews, the agency requires all staff to report "immediately" and according to agency regulation any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in any facility, whether or not it is part of the agency; 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.

Other than reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency regulation, to make treatment, investigation, and other security and management decisions. Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse, and inform inmates of the practitioner's duty to report, and the limits of confidentiality, at the initiation of services.

The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the agency's designated investigators.

If the alleged victim is a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. Alabama Code of Law 38-9-8 is the mandatory reporting law for vulnerable adults. The Alabama Adult Protective Services Adult Abuse Hotline is 1-800-458-7214.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454) along with Alabama Code of Law 38-9-8; observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Alabama Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Code of Law 38-9-8: Vulnerable Adult Protections and Mandatory Reporting.
- Alabama ADECA, STAR, CMS, Crisis Center of Birmingham, and Alabama Coalition Against Rape.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.62 Agency protection duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor received a written memorandum from the Deputy Commission of Women's Services stating that the Julia Tutwiler Prison for Women maintains a segregation unit for any potential productive custody inmates from the Birmingham's Womens Facility. The auditor confirmed through agency regulation and facility policies and procedures along with staff and inmate interviews that they will act immediately to any and all inmates in imminent danger or substantial risk of sexual abuse. When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate. The facility reported to the auditor of no inmates determined to be at risk of imminent sexual abuse within the past 12 months.

The agency regulation (454 and Form 454-H: Post Allegation Protective Custody) mirrors the standard. The auditor reviewed the agency regulation and facility policies and procedures (regulation 454); observed agency and facility practices; reviewed data provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Alabama Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016 and 454-H: Post Allegation Protective Custody.
- Alabama Code of Law 38-9-8: Vulnerable Adult Protections and Mandatory Reporting.
- Alabama ADECA, STAR, CMS and Alabama Coalition Against Rape.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.63 Reporting to other confinement facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The agency and facility document that it has provided such notification. The head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with the Prison Rape Elimination Act standard. The Alabama Department of Corrections regulation and policy mirrors the Prison Rape Elimination Act standard.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454 and specifically form 454-F); observed agency and facility practices; reviewed data provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Regulation Form 454-F: Reporting to other Confinement Facilities.
- Alabama ADECA, STAR, CMS, Crisis Center of Birmingham, and Alabama Coalition Against Rape.
- Interviews with agency Prison Rape Elimination Act Coordinator, Warden, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.64 Staff first responder duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Based on agency regulation and facility policy and procedures along with agency staff and inmate interviews during the on-site portion of the audit, upon learning of an allegation that an inmate was sexually abused, the first staff member to respond to the report shall: separate the alleged victim and abuser; preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing,

brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

If the first responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff. The auditor reviewed an agency and facility generated check list for first responder use.

Specifically, the facility standard operating policy and procedures detail first responder duties. Any incident is documented in accordance with agency regulation 302 and incident reporting.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454, facility policy, and Form 302-A: Incident Report); agency and facility pocket size first responder card (specific reference to security and non-security staff on card); Agency Investigations Mapping protocol; observed agency and facility practices; reviewed data provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meet the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Birmingham Community Based Facility Standard Operating Procedures.
- Alabama Department of Corrections Regulation Form 302-A: Incident Report.
- Alabama Department of Correction Investigations Mapping template and protocol.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.65 Coordinated response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The agency and facility has a coordinated response to an incident of sexual abuse among staff first responders, medical, and mental health practitioners, investigators, and facility leadership. The auditor reviewed the agency regulations and facility policies and procedures (regulation 454 and 302 and facility policy C-27); observed agency and facility practices; reviewed data provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. The auditor was impressed with the facility coordinated response protocol and determines the facility not only meets the standard but exceeds the standard. Specific justification, the facility has a detailed policy and procedure on a coordinated response. The policy is detailed and easy to follow. The facility staff have pocket-sized check lists for a coordinated response. Based on the listed information, the agency and facility not only met the standard but exceeds the standard for the relevant review period. The auditor received and reviewed primary (policy) and secondary (practice) documentation from the facility as confirmation.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Regulation Form 302-A: Incident Report.
- Alabama Department of Corrections Investigations Mapping template and protocol.
- Alabama Department of Corrections 454-E: Sexual Abuse Incident Review Form.
- Birmingham Community Based Facility Standard Operating Procedure C-27: Coordinated Response
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

- Interviews with agency Prison Rape Elimination Act Coordinator, Warden, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections 302-C: Duty Officer Report.

Standard 115.66 Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Neither the agency nor any other government entity responsible for collective bargaining on the agency’s behalf entered into or renewed any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

The agency and facility has no collective bargaining as verified with the agency during the audit. However, the staff is fully aware that a violation of policy may more than likely result in termination. The auditor reviewed the agency regulation and facility policies and procedures (regulation 454); observed agency and facility practices; reviewed data provided by the agency and facility staff; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meet the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Human Resources Department.
- Alabama Department of Correction Investigations Mapping template and protocol.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.67 Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Birmingham Community Based Facility reported zero incidents of retaliation reported, known or suspected within the past 12 months. The agency and facility protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The agency and facility shall employ multiple

protection measures, such as housing unit or facility transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. The agency regulation 454 mirrors the written language of the Prison Rape Elimination Act standard.

For at least 90 days following a report of sexual abuse, the agency and facility monitors the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. The Prison Rape Elimination Act compliance manager monitors inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. Monitoring continues beyond 90 days, consisting of 30 day continuations, if the initial monitoring indicates a continuing need. Monitoring also includes periodic status checks. Any other individuals who cooperate with an investigation expresses a fear of retaliation, the agency and facility takes appropriate measures to protect that individual against retaliation.

The Prison Rape Elimination Act compliance manager confirmed no incidents of retaliation during the past 12 month period from the date of the audit. The auditor reviewed the agency regulation and facility policies and procedures (regulation 454 and form 454-D: Sexual Abuse/Harassment Retaliation Monitoring); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period. Agencies must establish a policy for the protection of inmates and staff who report sexual abuse or sexual harassment, or cooperate with investigations of sexual abuse or sexual harassment. The policy shall designate staff members or departments within the agency that are responsible with monitoring any retaliation. Agencies must utilize multiple strategies to inhibit and prevent retaliation. The agency and facility meet the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Form 454-D: Sexual Abuse/Harassment Retaliation Monitoring.
- Alabama Department of Correction Investigations Mapping template and protocol.
- Interviews with agency Prison Rape Elimination Act Coordinator, Warden, facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.68 Post-allegation protective custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor received a written memorandum, dated April 20, 2016, from the agency Deputy Commissioner of Women's Services stating the Julia Tutwiler Prison for Women is the designated facility for any possible post-allegation protective custody inmates assigned to the Birmingham Women's Facility. The agency and facility has a protective custody policy and procedure. The auditor thoroughly reviewed agency regulation and policy (454) and it has several provisions for any form of protective custody in accordance with Prison Rape Elimination Act standard 115.43. Any use of segregated housing to protect a inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of protective custody policy and procedure. The facility compliance manager reported zero inmates being placed in involuntary segregation in accordance with protective custody policy during the previous 12 months prior to the audit.

The auditor reviewed the agency regulation and facility policies and procedures (454 and form 454-H: Prison Rape Elimination Act Post Allegation Protective Custody); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Form 454-H: Prison Rape Elimination Act Post Allegation Protective Custody.
- Interviews with agency Deputy Commissioner for Women’s Services, Prison Rape Elimination Act Coordinator, Warden, facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.71 Criminal and administrative agency investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The agency refers all substantiated criminal cases to the local District Attorney’s office per agency regulation 454. The Investigations and Intelligence Division has numerous investigators assigned (approximately 20-21) and is responsible for first responder investigative duties and facility administrative type of investigations. The agency Investigations and Intelligence Division is headquartered in Montgomery, Alabama, (334) 353-8916.

Per the standard, when an agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to Prison Rape Elimination Act Standard 115.334. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and deoxyribonucleic acid (DNA) evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person’s status as inmate or staff. No agency shall require a inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

The agency investigators are assigned to a division within the Alabama Department of Corrections. The agency has an acknowledgement and training form along with National Institute of Corrections Prison Rape Elimination Act investigator training certificates for staff specifically referencing the required Garrity warning.

Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Criminal investigations are documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal are referred for prosecution. The agency retains all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454, Form 302, and Form 454-I: Investigative Reports); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Form 454-I: Investigative Reports and 302: Incident Reporting.
- Alabama Department of Correction Investigations Mapping template and protocol.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.72 Evidentiary standard for administrative investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Per agency regulation 300: The policy of the Alabama Department of Corrections is to conduct all investigations in a fair and impartial manner, maintain confidentiality in all investigations, and protect the constitutional rights of all individuals subject to investigation.

The agency has approximately 20 to 21 Prison Rape Elimination Act trained investigators assigned as administrative and criminal investigators for the statewide facilities. The agency and facility answered no on the audit questionnaire along with written in agency regulation 454 in reference to if the agency and facility imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454 and 300); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Form 454-I: Investigative Reports and 302: Incident Reporting.
- Alabama Department of Correction Investigations Mapping template and protocol.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.
- Alabama Department of Corrections Regulation Number 300: Investigations and Intelligence Division.

Standard 115.73 Reporting to inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance

determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Per agency regulation 454, the Alabama Department of Correction Investigations and Intelligence Division is responsible for reporting back to any inmates in reference to any Prison Rape Elimination Act related incidents. The agency and facility informs the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Based on the agency’s regulation, following an inmate’s allegation that a staff member has committed sexual abuse against a inmate, the agency shall subsequently inform the inmate (exception being if the allegation is determined to be unfounded) whenever:

- 1) The staff member is no longer employed by the agency;
- 2) The staff member is no longer posted within the inmate’s unit;
- 3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the agency; or
- 4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the agency.

Following an inmate’s allegation that he has been sexually abused by another inmate, the facility shall subsequently inform the alleged victim whenever: The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the agency; or the facility learns that the alleged abuse has been convicted on a charge related to sexual abuse within the agency.

All such notifications or attempted notifications are documented and retained by the agency. The agency’s obligation to report under this standard shall terminate if the inmate is released from the agency’s custody. Per agency regulation and facility policies and procedures (regulation 454); observed agency and facility practices; reviews of data provided by the agency and facility staff; interviews with outside agencies; and interviews with inmates and staff during an on-site visit and tour of the facility, the agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Form 454-I: Investigative Reports and 302: Incident Reporting.
- Alabama Department of Correction Investigations Mapping template and protocol.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.
- Alabama Department of Corrections Regulation Number 300: Investigations and Intelligence Division.

Standard 115.76 Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Per agency regulation 208 and 454, “Employees shall be subject to disciplinary sanctions up to and including termination for violating sexual abuse or sexual harassment policies”. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

The auditor reviewed the Alabama Code of Laws, agency regulations and facility policies and procedures (Code of Alabama Title 14, 1975, as amended; Title 13A-6-65; Title 14-11-31: Sexual Misconduct; regulation 454; facility policy; and regulation 208: Employee Standards of Conduct and Discipline); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Alabama Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Regulation Number 208: Employee Standards of Conduct and Discipline dated August 17, 2005.
- Code of Alabama Title 14, 1975, as amended; Title 13A-6-65; and Title 14-11-31 (sexual misconduct) .
- Birmingham Community Based Facility Standard Operating Procedure.
- Interviews with agency Prison Rape Elimination Act Coordinator, Warden, facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.77 Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Appropriate steps are taken in reference to remedial measures, and consideration made whether to prohibit further contact with inmates, in the case of any other violation of agency and facility sexual abuse or sexual harassment policies by a contractor or volunteer. The agency and facility reported no incidents of sexual abuse by contractors or volunteers within the past 12 months of the audit.

The auditor reviewed the agency regulation and facility policies and procedures (regulation 454 and facility policy); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility does meet the standard and complies with the standard for the relevant review period.

Alabama Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Regulation Number 208: Employee Standards of Conduct and Discipline dated August 17, 2005.
- Code of Alabama Title 14, 1975, as amended; Title 13A-6-65; and Title 14-11-31 (sexual misconduct) .
- Birmingham Community Based Facility Standard Operating Procedure.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.78 Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor reviewed the agency and facility inmate handbook. The rules are clearly listed with definitions along with references to Alabama Code of Laws 13A-6-60 through 13A-6-70 (1975) and 14-11-30 through 14-11-32. Sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. The disciplinary process considers whether a inmate's mental disabilities or mental illness contributed to their behavior when determining what type of sanction, if any, should be imposed.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. The agency and facility prohibits all sexual activity between inmates and may discipline inmates for such activity. If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to offer the offending inmate participation in such interventions.

The auditor reviewed the Alabama Code of Laws, agency regulations, and facility policies and procedures (403, 454 and 318 along with facility policy); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Alabama Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Regulation Number 318 and 403.
- Alabama Code of Laws 13A-6-60 through 13A-6-70 and 14-11-30 through 14-11-32 .
- Birmingham Community Based Facility Standard Operating Procedure.
- Interviews with agency Prison Rape Elimination Act Coordinator, Warden, facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.81 Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Per Alabama Department of Corrections Regulation 454, 433, and 435 along with Prison Rape Elimination Act standard 115.41, if the medical and mental health screening indicates that a inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, agency staff ensures that the inmate is offered a follow-up meeting with a medical or mental

health practitioner within 14 days of the intake screening. If the screening indicates that an inmate has previously perpetrated sexual abuse or sexual victimization, whether it occurred in an institutional setting or in the community, agency and facility staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake process.

Alabama Code of Law 26-14-3, outlines mandatory reporting requirements. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other agency staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, and program assignments, or as otherwise required by Federal, State, or local law. Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

The auditor interviewed the facility staff, counseling staff, and the inmate intake staff. The auditor reviewed the agency regulation and facility policies and procedures (454, 433, 435); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard.

Alabama Code of Laws, Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Alabama Department of Corrections Regulation Number 433 and 435.
- Alabama Code of Law 26-14-3: Mandatory Reporting.
- Interviews with agency Prison Rape Elimination Act Coordinator, Facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.82 Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The facility has access to emergency medical and mental health services. Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

The auditor reviewed agency regulation 454 to confirm compliance with the standard. The facility utilizes a multidisciplinary team investigation protocol for responding to abuse. The auditor confirmed with receipts of training certificates that the agency investigators completed the National Institute of Corrections investigations course which is a recognized compliance requirement to meet the standard as well as the evidence protocol from the United States Department of Justice, "A National Protocol for Sexual Assault Medical Forensic Examinations", dated April 2013. The local crisis center for the facility is The Crisis Center of Birmingham, 3600 8th Avenue South, Birmingham, Alabama, (205) 323-7777, and STAR (Standing Together Against Rape), 530 South Lawrence Street, Montgomery, Alabama, (334) 213-1227. STAR has a written agreement with Correctional Medical Services, Inc. which is the recognized medical provider for the Alabama Department of Corrections to provide crisis services in accordance with the response protocol. They maintain a 24 hour hotline for an on-call Sexual Assault Nurse Examiner (SANE), (334) 571-0999. The agency has a memorandum of agreement with an outside the agency victim advocacy service, confidential and at no cost to the inmates, at 1-800-639-4357. The facility and agency reported zero forensic medical exams conducted during the past 12 months and meets the standard.

Auditor note: The National Center for Victims of Crime recently initiated and launched the Victim Connect Resource Center which is a resource for victims, to include but not limited to, providing critical, confidential assistance through phone, text, and chat along with interpreter services in over 200 languages. These services can be accessed at 1-855-4VICTIM or www.chat.victimconnect.org. The anti-sexual assault organization, RAINN, operates a national hotline at 1-800-656-4673 with access to a range of free services.

The auditor reviewed the agency regulation and facility policies and procedures (454 and Form MH-008: Referral to Mental Health); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. The agency and facility meets and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016 and Form MH-008: Referral to Mental Health.
- Birmingham Community Based Facility Standard Operating Procedure.
- The Crisis Center of Birmingham, Lighthouse Counseling Center, St. Vincent's Health System, and Brookwood Medical Center.
- National Institute of Corrections investigations course certificate completions and continuing education credits.
- A National Protocol for Sexual Assault Medical Forensic Examinations.
- Memorandum of Understanding between STAR and Correctional Medical Services, Inc.
- Rape Crisis Centers listing.
- Interviews with agency Prison Rape Elimination Act Coordinator, Nurse, Warden, facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Alabama Department of Corrections and the Birmingham Community Based Facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in the facility. Specifically, Corizon Health Services is the agency contractor for the Birmingham Community Based Facility. Corizon provides one registered nurse practitioner, one director of nursing, three part-time registered nurses, three full-time licensed practical nurses, and four part-time licensed practical nurses. Mental health treatment is provided by contract staff specializing in correctional mental health care which consists of one mental health administrator, one part-time licensed practical nurse, and one part-time mental health counselor. The evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. The agency and facility provides such victims with medical and mental health services consistent with the community level of care. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Specifically, agency regulation 454 details ongoing medical and mental health care for sexual abuse victims and abusers along with documentation with Form MH-008: Referral to Mental Health to confirm compliance with the standard.

The auditor interviewed the facility staff during the on-site portion of the Prison Rape Elimination Act audit. The auditor reviewed the agency and facility policies and procedures (regulation 454, Form MH-008); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016 and Form MH-008: Referral to Mental Health.
- Birmingham Community Based Facility Standard Operating Procedure.
- The Crisis Center of Birmingham, Lighthouse Counseling Center, Brookwood Medical, and St. Vincent's Health System..
- A National Protocol for Sexual Assault Medical Forensic Examinations.
- Memorandum of Agreement between STAR and Correctional Medical Services, Inc.
- Rape Crisis Centers listing.
- Interviews with agency Prison Rape Elimination Act Coordinator, Nurse, Warden, facility Compliance Manager, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.86 Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The Alabama Department of Corrections and the Birmingham Community Based Facility conducts a sexual abuse incident review, per agency regulation 454, at the conclusion of every sexual abuse investigation, including where the allegation has not be substantiated, unless the allegation has been determined to be unfounded. This review ordinarily occurs within 30 days of the conclusion of the investigation. The review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. The agency and facility review team considers the following:

- 1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- 2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
- 3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- 4) Assess the adequacy of staffing levels in that area during different shifts;
- 5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
- 6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to above paragraph numbers 1 to 5, and any recommendations for improvement, and submit such report to the facility head and Prison Rape Elimination Act compliance manager.

Facility staff provided the auditor with secondary documentation confirming compliance with the standard. Specifically, agency form 454-E: Sexual Abuse Incident Review. The auditor reviewed the agency regulation and facility policies and procedures (454 and Form 454-E); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmates and staff during an on-site visit and tour of the facility. The auditor emphasized the importance of reviewing past incidents at the exit briefing during the on-site portion of the audit process for continued process improvements and staff training. Based on the listed information, the agency and facility meets the standard and complies with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Birmingham Community Based Facility Standard Operating Procedure.
- Alabama Department of Corrections Form 454-E: Sexual Abuse Incident Review.

- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, Warden, and facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.87 Data collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: The auditor interviewed the agency Prison Rape Elimination Act Coordinator on June 2, 2016, and she confirmed the secure process of data collection in order to assess and improve the effectiveness of the agency’s sexual abuse prevention, detection, and response policies, and training. The agency and facility is completing the first year audit. The agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The agency aggregates the incident-based sexual abuse data at least annually. The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. The agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. Upon request, the agency shall provide all such data from the previous calendar year to the United States Department of Justice no later than June 30.

The agency utilizes a computer-based program to document and track agency wide data along with maintaining a website at www.doc.alabama.gov. The agency also tracks incidents at all of its facilities and maintains an annual report. The auditor reviewed the agency regulation and facility policies and procedures (454 and 302-A); observed agency and facility practices; reviewed data provided by the agency and facility staff; interviewed outside agencies; and interviewed inmate and staff during an on-site visit and tour of the facility. Based on the listed information, the agency and facility meets the standard.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Department of Justice Survey Forms.
- Alabama Department of Corrections 302-A.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.88 Data review for corrective action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific

corrective actions taken by the facility.

Auditor comments: Based on agency regulation and facility policy and procedure along with staff interviews, the agency reviews data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, by:

- 1) Identifying problem areas;
- 2) Taking corrective action on an ongoing basis; and
- 3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

The agency is in its first year audit review and will compare the current year's data and corrective action with those from next years and shall provide an assessment of the agency's progress in addressing sexual abuse. The agency's report is reviewed by the agency leadership and makes certain reports readily available to the public through its website at www.doc.alabama.gov. The agency redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

The auditor was impressed with the agency website. The agency and facility is in compliance with the standard for the relevant rating period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Department of Justice Survey Forms.
- Alabama Department of Corrections website: www.doc.alabama.gov.
- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

Standard 115.89 Data storage, publication, and destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Auditor comments: Based on a review of documents, agency regulation (454), facility policy, and procedure along with interviewing the agency Prison Rape Elimination Act coordinator, the agency should ensure that data is collected and securely retained. The agency makes all aggregated sexual abuse data, from facilities under its direct control, readily available to the public at least annually through its website. The auditor thoroughly reviewed the newly updated agency website, www.doc.alabama.gov, and was impressed with the sections addressing the Prison Rape Elimination Act. Before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. The agency maintains sexual abuse data collected for at least 10 years after the date of the initial collection.

The Alabama Department of Corrections actively maintains a website. The Alabama Department of Corrections and the Birmingham Community Based Facility is in compliance with the standard for the relevant review period.

Policy, Materials, Interviews and Other Evidence Reviewed:

- Alabama Department of Corrections Administrative Regulation Number 454: Inmate Sexual Abuse and Harassment dated January 4, 2016.
- Department of Justice Survey Forms.
- Alabama Department of Corrections website: www.doc.alabama.gov.

- Interviews with agency Prison Rape Elimination Act Coordinator, facility Compliance Manager, and Facility Staff.
- Alabama Department of Corrections submitted Pre-Audit Questionnaire.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Walter Sipple _____

July 5, 2016 _____

Auditor Signature

Date