

**PREA AUDIT REPORT**     Interim     Final

**ADULT PRISONS & JAILS**

**Date of report:** August 17, 2016

<b>Auditor Information</b>			
<b>Auditor name:</b> Robert Lanier			
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<b>Telephone number:</b> 912-281-1525			
<b>Date of facility visit:</b> July 18 - 19, 2016			
<b>Facility Information</b>			
<b>Facility name:</b> Draper Correctional Facility			
<b>Facility physical address:</b> 2828 HWY 143 Elmore, Alabama 36025			
<b>Facility mailing address:</b> <i>(if different from above)</i> <a href="#">Click here to enter text.</a>			
<b>Facility telephone number:</b> 334-567-2221			
<b>The facility is:</b>	<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		
<b>Facility type:</b>	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Warden III Edward Ellington			
<b>Number of staff assigned to the facility in the last 12 months:</b> 122			
<b>Designed facility capacity:</b> 600			
<b>Current population of facility:</b> 1173			
<b>Facility security levels/inmate custody levels:</b> Medium/Min-out-Medium			
<b>Age range of the population:</b> 17 -80			
<b>Name of PREA Compliance Manager:</b> Tavorez Surles		<b>Title:</b> Lieutenant/IPCM	
<b>Email address:</b> tavorez.surles@doc.alabama.gov		<b>Telephone number:</b> 334-567-2221 ext 840503	
<b>Agency Information</b>			
<b>Name of agency:</b> Alabam Department of Corrections			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i> State of Alabama			
<b>Physical address:</b> 301 South Ripley Street, Montgomery, Alabama 36104			
<b>Mailing address:</b> <i>(if different from above)</i> <a href="#">Click here to enter text.</a>			
<b>Telephone number:</b> 334-353-3883			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> Jefferson S. Dunn		<b>Title:</b> Commissioner	
<b>Email address:</b> Jefferson.dunn@doc.alabama.gov		<b>Telephone number:</b> 334-353-3870	
<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Christy Vincent		<b>Title:</b> ADCO PREA Director	
<b>Email address:</b> Chistry.vincent@doc.alabama.gov		<b>Telephone number:</b> 334-353-3883	

## **AUDIT FINDINGS**

### **NARRATIVE**

The audit of the Draper Correctional Facility was conducted on July 18-19, 2016. Notices of the PREA Audit were forwarded to the facility six or more weeks prior to the on-site audit. Photos were provided to document that notices were posted throughout the facility in areas accessible to staff, inmates, visitors, interns and contractors. In response to those notices, the auditor received two letters from inmates wanting to talk with the PREA Auditor. Those inmates were selected to be included in the “randomly selected” inmate interviews and were indeed interviewed.

Diversified Correctional Services, LLC utilized a “team approach” to conduct this audit. A three-man team composed of certified auditors conducted the audit with two auditors conducting interviews, one for staff and one for inmates, and one auditor who was assigned to participate in a tour of the entire facility and to review each standard and associated documentation with the Facility’s PREA Compliance Manager and to secure additional documentation as indicated.

Nineteen (19) randomly selected staff were interviewed. An additional twenty-three (23) specialized interviews were conducted, including the Commissioner’s Designee, the Director of Secure Programs. Twenty-three (23) inmates were interviewed. These included thirteen (13) inmates who were randomly selected, two (2) who reported sexual abuse in the facility, two (2) who reported prior victimization, one (1) youthful offender, three (3) gay inmates and two (2) inmates in segregation.

The audit was concluded on July 19, 2016 and preliminary findings were presented. These findings included requests for additional documentation and several short term corrective actions.

## **DESCRIPTION OF FACILITY CHARACTERISTICS**

Draper Correctional Prison is located at 2828 Alabama Highway 143, Elmore, AL 36025. The prison was established in 1939 on 3,560 acres of land on Highway 14 approximately 12 miles west of Wetumpka.

The original capacity was 600 and the current capacity is 1,255 inmates housed in 8 Dorms and one (1) Segregation Unit. The compound is enclosed with razor wire fence, with five perimeter security towers operational during the day and one is deactivated at the end of the second shift.

In 1986, Institutional Laundry was constructed in the old gymnasium. The Central Laundry at Elmore Correctional Center washes and dries all clothing and linen items for all institutions in the area. Draper's Laundry issues the clothing once it has been cleaned at the Central Laundry. Draper's Laundry issues new clothing, linen, and hygiene items to each new inmate that arrives at Draper.

Draper Correctional Facility provides the offenders with the following programs and services:

### Educational Programs:

1. ABE
2. Special Services
3. Laubauch and Literacy Programs

### Vocational Programs:

1. Auto Mechanics
2. Auto Body
3. Barbering
4. Brick Masonry
5. Cabinet Making
6. Carpentry
7. Commercial Foods
8. Drafting
9. Electrical Technology
10. Furniture Restoration
11. Horticulture
12. Plumbing
13. Upholstery (Auto and Furniture)
14. Welding

#### Treatment Programs:

1. Personal Development
2. Drug Counseling
3. Re-Entry/Orientation
4. Eight Week Intensive Drug Treatment
5. Twelve Step Aftercare
6. Crime Bill
7. Domestic Violence
8. Values Clarification
9. Reality Therapy
10. Stress Management
11. Depression
12. Self-Concept Enhancement

#### Inmate Services:

1. Medical

The Department of Corrections contracts with a health care services provider for the inmate population. Nurses at the Staton Health Care Unit, adjacent to Draper, are on duty 24 hours a day, 7 days a week to provide health services for Draper's inmate population. Medical/mental health doctors and dentist are available to diagnose and provide treatment. An optometrist comes once a month to provide eye care for the inmate population.

2. Food

Draper's food service staff prepares three meals a day for the 1255 inmates incarcerated at this facility. A dietician prepares the master menu, which stewards follow in preparation of the meals. The master menu is used statewide.

3. Recreation

Recreation activities at Draper include sports, and arts and crafts in the leather, wood and ceramic shops. Athletic events within the institution include intramural softball, basketball, football, soccer, and volleyball. Other activities include: weightlifting, horse shores, frisbee, chess, and dominoes. Draper also has an institutional band and gospel group, which entertain inmate population. Equipment and materials for inmate recreation and entertainment are provided through funds generated by the inmates and their families, through the Institutional Contingency Fund (ICF), not at the tax payer's expense.

4. Religious Activities:

Draper provides a variety of church services and religious activities to meet the spiritual needs of the inmates. Included are regular worship service, revivals, gospel sings, seminars, and Bible Studies. Religious movies are shown and listening areas are provided for inmates to listen to cassette tapes of church services from home. A Faith Dorm has been created to allow inmates to further their religious life. Inmates volunteers for this program and attend

regular meetings. Religious volunteers, who teach on subject matters such as faith, honor, integrity, and finances, conduct these meetings. These programs will help the inmates to integrate back into society once they are released. Equipment and materials, for religious activities, are donated by outside entities or through funds generated by the Institutional Contingency Fund (ICF).

#### 5. Re-Entry:

The Re-Entry Program offers information to inmates about life enrichment classes, community resources, and re-entry services that is available throughout the state. This program provides an opportunity for inmates to gain basic living skills on how successfully transition back into the community after release from the Department of Corrections.

### **Pre-Audit Briefing**

The audit team, composed of three auditors, arrived at Draper Correctional Facility at 5AM on July 18, 2016. The early arrival was pre-arranged after conversations with the PREA Compliance Manager and the Warden. The purpose of the early arrival was to enable the auditors to interview randomly selected staff from the overnight shift prior to their departure from the facility at the end of their shift.

The audit team met with the Facility Warden and the PREA Compliance Manager and discussed the audit process. The lead auditor explained the systematic team approach and philosophy of Diversified Correctional Services and described each team member's area of responsibility. The Lead auditor explained that he would conduct staff interviews. One associate team member would conduct offender interviews. The third team member was assigned the responsibility for conducting the facility tour and the review of facility documentation to validate PREA compliance standard-by-standard with the assistance of the Facility PREA Compliance Manager.

During the pre-audit briefing the PREA Compliance Manager was asked whether any staff or offenders had requested, either orally or in writing, to speak to the audit team. The PREA Compliance Manager indicated that no one had made a request. The lead auditor advised Draper Correctional Facility Management that Diversified Correctional Services had received two (2) letters from inmates requesting to speak with the auditors.

The PREA Compliance Manager was asked if there was anything the audit team needed to be aware of that had occurred or was occurring that could jeopardize the PREA audit. He (PREA Compliance Manager) denied knowledge of anything that would hinder or jeopardize the PREA audit.

The lead auditor expressed the appreciation of Diversified Correctional Services for the opportunity to work with the Draper Correctional Facility. The audit schedule and the logistics for conducting the tour and conducting interviews were discussed.

Diversified Correctional Services identified specific facility documents to validate Draper's compliance with the PREA standards. Documents provided by Draper at the pre-audit briefing included: a list of staff, including specialized staff; a list of volunteers and contractors; offenders reporting sexual assault at the facility and those reporting prior victimization and copies of unannounced rounds.

One of the auditors conducted the facility tour with the Warden, Facility PREA Compliance Manager and the Maintenance Supervisor. The entire facility was toured and included the following:

1. A – Dorm Downstairs = 104 A- Dorm Upstairs = 118
2. B – Dorm Downstairs = 102 B – Dorm Upstairs = 80
3. C- Dorm = 92

4. D – Dorm = 92
5. E – Dorm (Segregation) = 47
6. F – Dorm Downstairs = 92 F – Dorm Upstairs = 78
7. G – Dorm = 40 (Youthful Inmates)
8. H – Dorm Downstairs = 100 H – Dorm Upstairs = 96
9. I – Dorm Downstairs = 108 I – Dorm Upstairs = 106
10. Medical
11. Mental Health
12. Visitation Area
13. Kitchen
14. Dining Room
15. Gate House
16. Staff Officers
17. Education Area
18. Administrative Area
19. Vocational Area

Facility staff members responded to the auditor's questions concerning facility operations and practices. During the tour, the auditor evaluated the PREA processes and systems at the facility.

The tour revealed that Living Units had the required PREA information posted. There were phones in all living areas. There were medical, counseling, PREA Compliance and Warden Drop boxes in the main movement hallway for inmates to drop alleged PREA issues in writing and anonymously if they so choose.

At the conclusion of the on-site audit, the audit team conducted an exit debriefing. The following staff was present: Warden, Facility PREA Compliance Manager, Warden's Assistant, Agency PREA Coordinator, and the Commissioner's Designee/Director of Secure Facilities.

The audit team discussed the preliminary findings and discussed questions or concerns the administration and staff might have. The lead auditor also expressed appreciation for the cooperation of everyone concerned and acknowledged the facility team for the work they have done and encouraged them to continue the work they are doing to ensure sexual safety for their offenders.

## **SUMMARY OF AUDIT FINDINGS**

Notices of the PREA audit were forwarded to the facility and posted six weeks prior to the audit. Photos demonstrating posting of notices were provided. The Alabama Department of Corrections Policies and other supporting documentation was uploaded on to a flash drive and accessible to the auditor for review. The PREA Compliance Manager provided a Pre-Audit Questionnaire and forwarded it to the auditor several weeks prior to the audit. Initial review indicated that additional documentation was needed. A list of items needed were forwarded to the PREA Compliance Manager to have ready for the audit.

The audit process consisted of reviewing the policies and procedures and supporting documentation provided on the flash drive, reviewing additional documentation on site, observations made during the tour and throughout the on-site audit process, interviewing inmates, including inmates who reported prior sexual victimization, gay inmates and inmates reporting sexual abuse at the facility and interviewing staff, both randomly selected and specialized. Staff at the Central Office in addition to facility staff were interviewed.

Number of standards exceeded: 0

Number of standards met: 42

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.**

### Summary:

The State of Alabama Department of Corrections (ADOC) Policy 454, Inmate Sexual and Harassment - PREA, and the Draper Correctional Facility require a Zero Tolerance for all forms of sexual abuse and sexual harassment. It also describes the agency's response to preventing, detecting, responding to and reporting all allegations of sexual abuse or sexual harassment. PREA definitions were provided in the reviewed ADOC documentation. Zero Tolerance is communicated to inmates during orientation and through continued education, in ADOC documents listed in standard 115.33.

The ADOC and DRAPER CORRECTIONAL FACILITY Policies require that staff is trained on the Zero Tolerance Policy during new employee orientation and in their annual training.

ADOC has demonstrated its commitment to PREA by designating an upper-level, agency-wide PREA Director and requires each facility to designate a Facility PREA Compliance Manager, with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards within the facility. The PREA Director's position is listed on the ADOC Organizational Chart and depicts that this position reports to the General Counsel. The duties of the PREA Director are enumerated in ADOC Policy AR 454. The warden designated a Lieutenant as the Facility PREA Compliance Manager in a memo dated July 1, 2015. The PREA Compliance Manager position is on the Draper Correctional Facility Organizational Chart. The organizational chart identifies the Facility PREA Compliance Manager as reporting to the Warden.

Interviews with 19 randomly selected staff indicated they were trained in the Zero Tolerance Policy. They consistently stated they are required to report everything and that any form of sexual activity is prohibited at the facility. The PREA Compliance Manager is knowledgeable of PREA and related that he has enough time, among other duties, to perform his duties. Interviewed inmates from all living units, including segregation and the youthful offender unit, were aware of the agency's zero tolerance for any form of sexual activity.

### Documentation Reviewed:

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ ADOC – Administrative Regulation (AR) 002 – Organization and Objectives
- ✓ Draper Correctional Facility Standard Operating Procedure (SOP) - #9-32 Inmate Sexual Assault and Harassment Awareness
- ✓ Memo from Warden: Appointing PREA Compliance Manager July 1, 2015
- ✓ Draper Organization Chart



- ✓ Alabama Department of Corrections Organization Chart: December 16, 2015
- ✓ Inmate Handbook

**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.**

**Summary:**

The Alabama Department of Corrections, Policy 454, Inmate Sexual Abuse and Harassment – PREA; Zero Tolerance for Sexual Abuse and Sexual Harassment, requires that when contracts are prepared with agencies and organizations to house offenders for the Department, a provision must be included to ensure that the agency/organization maintains zero tolerance for sexual abuse and sexual harassment and has a mechanism in place to address allegations of sexual abuse and sexual harassment. The Pre-Audit Questionnaire (PAQ) indicated and staff confirmed that the facility does not have any contracts for the confinement of offenders that the facility entered into with private entities or other government agencies on or after August 20, 2012. ADOC Policy states that the ADOC General Counsel is responsible for ensuring that contracts for the confinement of inmates include a provision indicating to the contracting entity its obligation to comply with the PREA standards and the ADOC’s monitoring of such compliance.

The Alabama Department of Corrections has one contract for the confinement of offenders. This contract contained requirements that the contractor adopt and comply with all of the DOJ PREA Standards and also that they will allow the Alabama Department of Corrections to monitor compliance.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Contract/Receipt of PREA/MOU
- ✓ Intergovernmental Agreement for Housing of Inmates and Talladega County Commission (June 9, 2014)

## 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.**

### Summary:

Staffing at the Draper Correctional Facility is predicated upon the designed Facility capacity of 1235 beds. The facility direct care/custody staffing is based on the Facility's Rated Capacity. The facility makes its best efforts to comply on a regular basis with the presented staffing pattern that provides for adequate levels of staffing and the use of mirrors to mitigate blind spots insofar as possible. The facility had no video cameras on the day of the audit however the addition of some video coverage is expected soon. Policy requires each time the staffing pattern is not complied with, the facility documents the exigent circumstances and provides justification for not maintaining the required staffing.

Policy also requires that intermediate-level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Upper management from Sergeants up to and including Warden make unannounced PREA rounds. Policy prohibits staff from alerting other staff when unannounced rounds are conducted. Unannounced rounds are documented with the use of attachment "Unannounced PREA Round". When conducting unannounced rounds staff indicated that they look into each room and check doors to make sure they are locked during rounds. Staff talks to offenders during their rounds through the dorms and ask questions to see if there are any PREA issues. When conducting unannounced rounds throughout the facility the supervisor checks all doors, bathrooms/shower areas, kitchen, multipurpose and laundry doors. Supervisors also speak to at least two inmates in the facility concerning safety.

When female staff enters into a living area the female staff announces "Female in the Dorm". The female staff is required to document this in the shift log book. Interviews with inmates was mixed with regard to announcing presence. Because of that the facility issued a Memorandum to Shift Supervisors and all staff reminding staff that whenever a female staff enters a living unit the female staff will announce their presence by saying, "Female in the Dorm" and it will be documented in the shift log.

An interview with the warden indicated that the rated facility capacity is 1235 and that the facility has a staffing plan to provide adequate coverage on each shift. He stated that the facility does not have video cameras however there are plans to install cameras. He also confirmed that in developing and reviewing the annual staffing plan he and his staff consider the physical layout of the facility, the custody level of the inmates and emergency escorts etc. and the facility staffing is 18 Officers on each shift. That includes seven sergeants. The Warden checks for compliance with the staffing plan by reviewing logs daily. He stated that to maintain the minimum levels for adequate staffing overtime can be used as well as keeping supervisors over beyond their shifts. The warden also related that the Captains or Deputy Wardens come in early to conduct unannounced rounds. He related that he too comes into the facility at "all hours" to conduct them. Additionally, he reported that the executive team comes in periodically and also he brings in K-9's periodically. The PREA Compliance Manager described how he conducts unannounced rounds. He stated he contacts the warden to let him know he's coming and "pops up" at midnight or after. He related that he checks area doors, closets, bathrooms and areas that are "too dark".

Interviewed staff related that staff of the opposite gender announce their presence when entering living units. Interviewed inmates indicated that about half of them said female staff do not announce their presence.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Draper Correctional Facility Standard Operating Procedure (SOP) – Staffing Plan Deviations Log
- ✓ Draper Staffing Plan (March 22, 2016)
- ✓ Manpower, Shifts, Hours and Composition of Security Staff
- ✓ MEMO to Shift Supervisors (July 18, 2016)
- ✓ Shift’s Off Day Assignment for 2016
- ✓ Draper Correctional Facility Institutional Bed Capacity Sheet
- ✓ Unassigned Bed Listing
- ✓ Division Manning Post Roster (5-25-2016)
- ✓ Unannounced PREA Round Completed Sheets (200 Reviewed – 454-G)
- ✓ Count Sheets
- ✓ Shift Commander PREA Check Report (9-30-2015)
- ✓ Alabama Department of Corrections Vulnerable Assessment Form (completed)

**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)

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**Summary:**

Alabama Department of Corrections and Draper Correctional Facility policies provide guidelines for the management of youthful inmates that take into account the requirements of the Prison Rape Elimination Act (PREA). Youthful inmates are

not placed in a housing unit/room in which the youthful inmate will have sight, sound and physical contact with any adult inmate through the use of a shared dayroom, or other common space, shower area, or sleeping quarters. In areas outside the housing unit, if sight and sound separation cannot be maintained, direct staff supervision is provided at all times. The PAQ and staff and inmate as well youthful offender interviews revealed that the in the past 12 months, the number of youthful inmates placed in the same housing unit as adults at Draper was zero. However, during the audit site visit there were 8 youthful inmates located in a dedicated and separated Living Unit.

The Draper facility has been chosen to house ADOC youthful offenders and subsequently has dedicated one housing unit for youthful offenders. The Warden, in an interview, related that the "G" Dorm had been renovated to accommodate youthful offenders and to keep them sight and sound separated from adult inmates. When the inmates go to programming or appointments with mental health or medical, they are escorted by a custody staff.

During the on-site audit auditors visited the youthful offender dormitory. Youth were observed in programming. Three youthful offenders were involved in a class. The dorm was open bay. The showers had curtains affording privacy. The youthful offenders said they shower anytime of the day and are able to shower alone. A rec yard was located just outside the back of the dorm and inmates said they have rec 3-4 hours per day including weekends. They said an officer always remains with them. Adult offenders can see the youthful offenders from their recreation yard. Adults cannot access the youthful offender's yard.

An interview with a staff who supervises youth in the youthful offender dorm related that youthful offenders have their own dorm, that adult inmates are not allowed to enter and if they leave the dorm they are escorted. He stated that an officer is with them 24/7 and that that post is never shut down. He related that they have their own recreation yard and are never placed in segregation. He related they would be written up for rule violations and placed on restriction from certain privileges, like the store. Interviews with three youthful offenders indicated they are housed separately from adult inmates. They also confirmed that anytime they leave the unit they are accompanied and supervised by a custody staff. Interviews with youthful offenders confirmed that they live in a dorm sight and sound separated from adults. They stated that adults do not come into the dorm and that when they leave their unit, youthful offenders are always accompanied by an officer.

#### **Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Draper Correctional Facility Standard Operating Procedure (SOP) – Youthful Inmates
- ✓ Statement of Non-Occurrence/Non Applicability – Youthful Inmates (May 25, 2016)
- ✓ Duty POST Log (1-27-16)
- ✓ Duty POST Log (2-27-16)
- ✓ Administrative, Disciplinary, Death Row Segregation, Youthful Inmate Form

#### **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.**

**Summary:**

Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA, Gender Viewing and Searches, prohibits Draper Correctional Facility from conducting cross-gender strip or cross-gender visual body cavity searches of inmates except in emergency situations or when performed by medical personnel. According to PRE-Audit Questionnaire (PAQ) and confirmed by staff during interviews, there have been no cross-gender strip or cross-gender visual body cavity searches during the audit period. Opposite gender pat search requires that when a staff member determines that exigent circumstances exist, a pat search of an inmate is necessary, and a staff member of the opposite gender is not available, staff is required to securely escort the inmate to an area where a same gender staff member is available or relievable, to conduct the pat search.

Reviewed documentation indicated that the facility does not permit cross-gender pat-down searches of inmates, absent exigent circumstances.

Policy requires the facility to implement procedures that enable inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their buttocks, or genitalia.

Showers in the dorms are located in the back of the living units. Viewing is obscured by half walls and inmates are not naked in full view of staff of the opposite gender. Restrooms likewise are obscured by half walls. Showers in the Youthful Offender living unit have shower curtains.

The facility prohibits staff from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate’s genital status. The PAQ indicated and staff confirmed that no searches to determine the genital status of a transgender or intersex inmate occurred during the audit period.

Reviewed ADOC and the DRAPER CORRECTIONAL FACILITY Policy and provided documentation requiring officers of the opposite gender to announce their presence on the housing unit.

Nineteen (19) of (19) randomly selected staff stated that this facility does not permit cross gender strip or body cavity searches. Although they are aware they could in an exigent circumstance, they contend they would never do one. They also reported that they have never observed a female staff conduct a cross gender pat search. Inmates consistently reported they are not naked in view of staff. Inmates were split on whether or not opposite gender staff announce their presence when entering a living unit. 100% of the staff reported that staff of the opposite gender announce their presence. The facility sent a memo out to all staff stressing that they are required to announce themselves when entering a living unit housing inmates of the opposite gender. It also required staff to log in the logbooks when these announcements are made.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ ADOC – Administrative Regulation (AR) 336 – Searches
- ✓ Employee Unclothed Searches Authorization Form

- ✓ Visitor Unclothed Search Authorization Form
- ✓ Draper Correctional Facility Standard Operating Procedure (SOP) – 11-3, Searches and Shakedown
- ✓ ADCO Classification PREA Risk Factor Part 1&2
- ✓ Regional Training Record 2015
- ✓ PREA/LGBTI Sign-In Sheet
- ✓ Statement of Non Occurrence/Non-Applicability (May 12, 2016)

**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.**

**Summary:**

Alabama Department of Corrections Policy requires that the Draper Correctional Facility establish procedures to provide disabled inmates equal opportunity to participate in and benefit from all aspects of facility efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

Draper Correctional Facility local policy ensures that inmates who are admitted with limited English proficiencies are provided information related to PREA, including the Zero Tolerance Policy and How to Report. The Language Line Solutions (1-866-874-3972) is utilized for communications with inmates with language barriers.

Documentation was provided to inform inmates that access to interpretation is not only provided by the Alabama Institute for the Deaf and Blind but all Institutional PREA Compliance Managers have access to Google Translate services through the internet. With Google Translate services and the use of microphone IPCM’s have instant access to interpretation services in emergency situations.

The Facility PAQ and staff confirmed in interviews that the use of inmate interpreters, inmate readers, or other types of inmate assistants is prohibited except in limited circumstances where an extended delay would jeopardize an offender’s safety and well- being is prohibited

Interviews with staff, randomly selected, indicated that 13 staff reported they would not allow an inmate interpreter, two said they were not sure and two said they would allow an inmate to interpret.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails

- ✓ Alabama Department of Correction Policy (ADOC) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Inmate Awareness Acknowledgement
- ✓ Memo: IPCM Interpretation Services – Google Translate Services (March 24, 2016)
- ✓ Statement of Non-Occurrence/Non Applicability
- ✓ Memo: Inmate Education (March 24, 2016)
- ✓ Alabama Institute for Deaf and Blind Regional Center
- ✓ ADOC PREA General Information Flyer
- ✓ Google Translate Services (March 24, 2016) <https://translate.google.com/>
  - Translate Written Words
  - Tap to Translate
  - Translate by Speech
  - Translate Images
  - Translate a Bilingual Conversation
  - Translate Text Messages, Webpages, or Documents
  - Translate Words and Phrases by Handwriting

### **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.**

### **Summary:**

The Alabama Department of Corrections and the Draper Correctional Facility Policy prohibits hiring or promoting anyone who may have contact with inmates, and prohibits enlisting the services of any contractor who have contact with inmates, who engaged in sexual abuse, has been convicted of engaging or attempting to engage in sexual activity or has been civilly or administratively adjudicated to have engaged in the sexual abuse activities.

The Human Resource Staff explained the process of how the facility considers prior incidents of sexual harassment when determining whether to hire or promote.

State policy requires the facility, before it hires any new employees who may have contact with offenders, complete a criminal background record check consistent with Federal, State, and local law, and makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation sexual abuse before hiring. Policy also requires that either criminal background records checks be completed on current employees every 5 years

If an employee omits material information regarding sexual misconduct or provides materially false information the agency will consider that as grounds for termination.

Additionally, all correctional officers are Peace Officers, according to the State Personnel Manager. Because of that certification, correctional staff have to complete successful background checks to maintain their certification every two years. Staff who are promoted also have to have another background check. Too, he related that Alabama assumes everyone may have contact with inmates.

The warden provided a memo to the auditor stating it is the policy of the institution that all full or part time employees, contactors, volunteers and interns have all completed the required background checks prior to hire or the start of service.

An interview with the ADOC Human Resources Manager indicated that background checks are conducted on all newly hired staff. He explained the background check process and indicated that with the additional requirement now for conducting 5-year background checks the IDOC has hired an additional personnel staff person to monitor and run background checks. Background checks for contractors and volunteers are conducted by I&I. He related that I&I conducts background checks for new non-security new hires and all promotions while personnel conducts them for security new hires and all five year checks. He indicated that personnel maintains a database and adds all new employees as well as documenting the last known background check.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ ADOC – Administrative Regulation (AR) 216 – Background Investigations
- ✓ Waiver and Authorization to Release Information
- ✓ Letter to All Applicants: Prison Rape Elimination Act (PREA) Compliance
- ✓ Personal Information Sheet
- ✓ CRBC Master Log (Form)
- ✓ GCIC/NCIC Content Form
- ✓ Application/Pre-Employment Questionnaire
- ✓ Staff Background Checks
- ✓ Letter to Leader Auditor (April 22, 2016)
- ✓ Background Checks/Refer to HR In Montgomery for Personnel Records



### **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.**

#### **Summary:**

The Alabama Department of Corrections requires that the facility, when making a substantial expansion or modification to the existing facility, includes installed or updated video monitoring systems, electronic surveillance system, or other monitoring technology to be PREA compliant. Draper Correctional Facility has not had any expansions or modifications to the facility within the last 12 months.

An interview with the warden indicated that the Youthful Offender Dormitory is scheduled for some modification to accommodate Youthful Offenders statewide. Bathrooms will be modified. The warden and staff have already met with the architects and considered vulnerable areas. The administration and staff definitely have input into any modification to ensure the safety of inmates. Too the facility is hoping to receive a video surveillance system from another facility and again, they will have input into where those cameras will be most advantageously placed to protect inmates and staff.

#### **Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Draper Correctional Facility Standard Operating Procedure (SOP) – Staffing Plan
- ✓ Surveillance System Schematic (Blueprint/Layout of Facility)
- ✓ Statement of Non-Occurrence/Non Applicability (May 26, 2016)

### **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.**

#### Summary:

The Draper Correctional Facility is responsible for conducting administrative sexual abuse investigations including offender-on-offender sexual abuse or staff sexual misconduct. In conducting the investigation, investigators arrange and conduct victim, suspect and witness interviews and perform all other duties normally associated with their respective duties. Where applicable, they notify the local police department and Alabama Department of Corrections.

The facility's Investigator and investigators from the ADOC Intelligence and Investigation Unit conduct the investigations of the incident. They both use a uniform evidence protocol when conducting sexual abuse investigations. The protocol adopted is similarly comprehensive and authoritative. The protocols used are national best practices in training sexual abuse investigators. These investigators have completed the NIC Specialized Training for Investigations in Confinement Settings.

Alabama Department of Corrections Policy and the facility offer offender victims of sexual abuse access to forensic medical examinations. Where possible, examinations are conducted by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs). Forensic medical examinations are offered without financial cost to the victim or victim's family.

If requested by the victim, a victim advocate, or qualified facility staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews and provide emotional support, crisis intervention, information, and referrals.

Stand Together Against Rape (STAR) is the rape crisis center that would conduct sexual assault forensic exams. Sexual Assault Nurse Examiners are available to conduct forensic exams 24/7. They would also provide access to advocacy services, including an advocate to come to the facility if one is not already there or to the hospital to be with the victim and to accompany him throughout the process, if requested. Outside advocacy and support services are provided by the Lighthouse Counseling Center. The Alabama Coalition Against Domestic Violence also provides advocacy services.

The auditor met with the Agency's I&I Assistant Director for Investigation. There are 18 I&I investigators statewide, one of whom conducts administrative investigations. Investigators are certified as law enforcement officers and have arrest powers. He described the investigation process for I&I investigators stating the investigation would begin immediately even if he received the report in the middle of the night. He discussed gathering evidence, physical and forensic, interviewing the victim and perpetrator as well as any witnesses and determining the facts in the case, after which he would ask to have the case presented to the grand jury. The auditor also interviewed an additional three I&I investigators from the facility. They also described the investigative process as well as their standard for determining whether or not an allegation is substantiated. An interview with the Director of the STARs Rape Crisis Center confirmed that they can provide forensic exams as well as access to advocacy services.

#### Documentation Reviewed:

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA

- ✓ MOU between Alabama Department of Correction and Lighthouse Counseling Center, Inc. "Standing Together Against Rape" Program July 2010 / to include SANE
- ✓ Draper Correctional Facility Standard Operating Procedure (SOP) – 306, Investigations and Intelligence Division Evidence and Contraband
- ✓ Evidence Form (Incident Report #)
- ✓ Alabama Department of Corrections Seized Currency Form
- ✓ Evidence/Property Inventory
- ✓ Evidence Disposal Form
- ✓ Condemnation Request Form
- ✓ Goals of the National Protocol for Sexual Assault Medical Forensic Examinations
- ✓ Coordinated Team Approach
- ✓ Certificate: Testing/Training for Criminal Justice Personnel
- ✓ Certificate: Polygraph Techniques and Practices
- ✓ Certificate: Crime Scene Investigation-Montgomery
- ✓ NIC Certificate: PREA- Your Role Responding to Sexual Abuse
- ✓ Statement of Non Occurrence/Non Applicability (May 20, 2016)
- ✓ Alabama Coalition Against Rape Training Roster: Working with Correctional Facilities to Provide Services to Incarcerated Sexual Assault Victims
- ✓ SANE Centers/Rape Crisis Centers Regional List
  - Family Services of North Alabama
  - Lifelines Family Counseling Center of Mobile
  - Lighthouse Counseling Center, Inc./STAR
  - Mental Health Associate in Morgan County
  - Rape Counselors of East Alabama, Inc.

**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.**

**Summary:**

Staff at Draper Correctional Facility are required to report all allegations of sexual abuse or sexual harassment. This requires immediate notification to the staff’s immediate supervisor who contacts the ADO and the Warden/designee to notify them. At this point notification/a referral is made to the I&I investigator.

Alabama Department of Corrections Policy requires all facilities to ensure that allegations of sexual abuse or sexual harassment are referred for investigation. The facility ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

Alabama Department of Corrections Policy requires “a prompt, thorough and objective investigation of sexual abuse and/or sexual harassment”. The Draper investigators or the I&I Investigator who also conducts administrative investigations, would conduct the administrative investigations.

Once the Internal Investigations and Intelligence (I & I) investigator completed the investigation, the outcome will be submitted to the Assistant I & I Director. The Assistant I & I Director will submit the case to the appropriated District Attorney’s office, if applicable, for criminal prosecution.

The facility provided multiple examples of incidents/allegations referred for investigation.

The Alabama DOC website contains information on the referral of investigations to the agency’s I&I Unit for investigation. This information is available at <http://www.doc.state.al.us/docs/AdminRegs/AR454.pdf>.

Draper has two captains who, along with the PREA Compliance Manager, conduct investigations of inmate-on-inmate sexual harassment. Both of these Captains related that they had received specialized training in conducting investigations in confinement settings. Allegations of sexual abuse and allegations of staff-on-inmate sexual harassment are investigated by I&I.

Interviews with the I&I Assistant Director confirmed that he would submit a case for prosecution when there was enough evidence to recommend prosecution. Interviews with three I&I investigators confirmed that they would conduct administrative investigations but would call in the I&I IDOC investigators for any allegation that was or appeared criminal. Interviewed staff confirmed that the facility has a zero tolerance for all forms of sexual activity and they would report it immediately verbally followed up with a written incident report.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ ADOC – Administrative Regulation (AR) 300 –
- ✓ Internal Investigations Distribution List
- ✓ ADOC Investigations and Intelligence Division Report Distribution List

- ✓ Letter to Lead Auditor (April 22, 2016)
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01392
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-02041
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01343
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01775
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 1501976
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Consent for Sexual Assault Examination
- ✓ Inmate Body Chart Documentation
- ✓ Inmate Statements
- ✓ Staff Statements
- ✓ Statement of Non Occurrence/Non Applicability
- ✓ Inmate Living Agreement

**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.**

**Summary:**

Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Sexual Abuse Prevention, and DRAPER CORRECTIONAL FACILITY Staff Orientation and Training, requires that employees receive training through new employee orientation and through annual in-service training. Department of Corrections Policies requires the Draper Correctional Facility to train all employees who may have contact with inmates on 11 different topics identified in the PREA Standards.

Between trainings the facility provides employees with refresher information in their yearly in-service. This training includes current policies regarding sexual abuse and harassment.

Documentation indicated that staff currently employed, were trained or retrained on the PREA requirements. The facility provided a sample of Staff Receipt of Training “What Staff Should Know about Sexual Misconduct with Inmates” training rosters indicating staff were trained in the Department Policy Sexual Abuse Prevention and understood the PREA Training that they received.

Interviewed staff, both those randomly selected and specialized, were able to articulate the training they received. They indicated that training was accomplished through a power point training session with a lecture. Some indicated the training was annually while others stated they received the power point initially followed by refresher, followed by the power point again. They were able to identify a variety of topics covered in the training including reporting, rights, identifying inmates who may have been victimized and first responding.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Statement of Non Occurrence/Non Applicability
- ✓ Annual In-Service Training 2015
- ✓ Letter to All Supervisors: PREA Employee Pamphlet
- ✓ Pamphlet: What Staff Should Know About Sexual Misconduct with Inmates
- ✓ Draper Training Center: Regional Training Record for 2015
- ✓ PREA/LGBTI Sign-In Sheet (July 13, 2015)
- ✓ PREA Exam

**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.**

**Summary:**

The facility has a policy and procedure requiring that volunteers and contractors who have contact with offenders have been trained on their responsibilities for sexual abuse and sexual harassment prevention, detection, and response. The facility provided documentation confirming that the volunteers and contractors understand the training they received.

Multiple training rosters were provided to document that volunteers and contractors had received PREA Training.

An interview with a volunteer from the “We Care” program indicated that he had received PREA Training in January 2016 but stated that he receives that training annually. He related that he understood that the facility had a zero tolerance for any form of sexual activity as well as how to report and to whom to report. He stated he would go straight to the shift commander to report it and would also do what he could to protect the evidence. He showed the auditor his “First Responder Card” listing the steps for First Responders to take regarding an allegation of sexual abuse.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ MOU between Alabama Department of Corrections and Alabama Department of Rehabilitation (November 2011)
- ✓ Multiple PREA Training Rosters

**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.**

**Summary:**

Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA, requires that inmates are provided oral and written information regarding the following: the Zero Tolerance Policy for any sexual conduct, prevention and intervention, self-protection, reporting sexual conduct including abuse and/or assault and treatment and counseling available to offenders who are victims of sexual assault. Policy requires that this information is provided in a manner easily understandable for offenders. Offenders are required to receive the brochure created by the Department advising the offender of the potential dangers of sexual conduct and the Department’s Zero Tolerance for such behavior.

The offenders at Draper Correctional Facility receive information at the time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment at intake.

The facility requires inmates who are transferred from one facility to another receive PREA education regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding facility procedures for responding to incidents.

The facility maintains documentation of inmate's participation in PREA education sessions by having the offenders complete the sessions and the counselor documents the training by entering it into the system. The facility also ensures that relevant information about PREA is continuously and readily available or visible through posters, and the inmate handbook.

The facility provided the auditor with 92 acknowledgment forms signed by inmates documenting that they have received PREA information including acts that are either prohibited or that are illegal, how to report allegations of sexual abuse and sexual harassment, that allegations will be investigated, that a statement of investigation findings will be provided to the victim and that criminal charges will be pursued if applicable. An additional acknowledgment statement confirms that the inmate has received an orientation on the prevention, self-protection, reporting treatment and counseling related to Inmate Sexual Offenses and Custodial Sexual Misconduct. The facility provided 92 of these acknowledgment statements as well.

Inmates indicated that they received information about PREA when they arrived at the facility. They consistently reported that this information included the rules against sexual abuse and sexual harassment as well as their rights to be free from sexual abuse and sexual harassment and how to report it if it did occur. Inmates mentioned a number of ways they could report.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Inmate Handbook
- ✓ Posters
- ✓ ADCOC PREA General Information (92 Reviewed) “Zero Tolerance Policy” and Reporting
- ✓ Inmate Awareness Acknowledgement (92 Reviewed)
- ✓ Pamphlet: What you should know about Sexual Abuse & Sexual Assault
- ✓ Memo: Inmate Education
- ✓ Alabama Institute for Deaf and Blind Pamphlet

**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.**

**Summary:**

Alabama Department of Corrections Policy requires that the Draper Correctional Facility's Investigators are trained in conducting sexual abuse investigations in confinement settings. Documentation was provided to confirm that the investigator has completed specialized training through the National Institute of Corrections (NIC) PREA: Investigating Sexual Abuse in A Confinement Setting. Topics required in the specialized training for investigators includes, Techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, evidence collection in confinement settings, criteria and evidence required to substantiate a case for administrative actions and criteria and evidence to refer a case for prosecution.

The investigator's training also included general training provided to all employees pursuant to 115.31. Training Documentation was provided. Samples of certificates of training documenting the NIC online training, PREA: Investigating Sexual Abuse in Confinement Settings as well as a host of Training Certificates including NIC Training, "Your Role in Responding to Sexual Abuse", specialized training for criminal justice personnel (12-hour course) conducted by the FBI and Alabama Law Enforcement Agency and 19<sup>th</sup> Judicial Circuit of Alabama Legal Updates Seminar.

The auditor was able to interview the ADOC Assistant Director of Intelligence and Investigations. He related that he and all his investigators had completed the NIC Training as required. He was also very knowledgeable of conducting sexual abuse investigations in confinement settings. Interviews with three additional investigators revealed that they were trained in how to interview sexual abuse victims in confinement settings, proper use of the Miranda and Garrity Warnings, evidence collections and the criteria and evidence required to determine whether or not an allegation was substantiated.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ NIC PREA: Investigating Sexual Abuse in A Confinement Setting
- ✓ Statement of Non Occurrence/Non Applicability (April 21, 2016)
- ✓ Certificate: Rapid Response to Active Shooter Training
- ✓ Certificate: Polygraph Techniques and Practices
- ✓ Certificate: Legal Updates Seminar
- ✓ Certificate: Testing/Training for Criminal Justice Personnel
- ✓ Certificate: Polygraph Techniques and Practices
- ✓ Certificate: Crime Scene Investigation-Montgomery
- ✓ NIC Certificate: PREA- Your Role Responding to Sexual Abuse

**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.**

**Summary:**

The facility has a policy related to the training of medical and mental health practitioners who work regularly with the inmates. The medical staff at the facility are contract employees and do not conduct forensic medical exams. Forensic exams are conducted by the Lighthouse Counseling Center, Inc. “Standing Together Against Rape”. The facility provided Documentation showing that medical practitioners have completed the required training. Staff are also required to complete the training mandated for employees, contractors and volunteers.

Interviews with the Health Services Administrator and a mental health professional indicated that they received training in how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how to report suspicions, allegations or reports of sexual abuse and to whom they would report. The specialized training is based on a curriculum developed by Corizon, the contracted health care provider. Staff reported that they do not conduct forensic exams.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ ADOC – Administrative Regulation (AR) 300 –
- ✓ MOU between Alabama Department of Correction and Lighthouse Counseling Center, Inc. “Standing Together Against Rape” Program July 2010 / to include SANE

**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.**

**Summary:**

Draper Correctional Facility uses the ADOC Classification PREA Risk Factors Tool and PREA Risk Factors Checklist to screen offenders upon admission for risk of sexual abuse victimization or sexual abusiveness toward other offenders. All inmates admitted to DRAPER CORRECTIONAL FACILITY are screened for the risk of sexual victimization and sexual abuse during the intake process. Information on any inmate who is identified during the screening as a potential or confirmed victim of sexual assault or as having a tendency to act out with sexually aggressive behavior is communicated to the shift supervisors, counseling department, medical department and documented in the inmate's file.

The objective screening instrument includes all criteria required by the standard to assess inmates for risk of sexual victimization. Policy also requires that the Inmate's risk level be reassessed periodically throughout the offender's confinement. Risk reassessments are documented. The facility implements appropriate controls on the dissemination, within the facility, of responses to questions asked to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

The auditor randomly reviewed 340 Classification PREA Factors 1 and 2. All of these were conducted in compliance with DRAPER CORRECTIONAL FACILITY Policy. However, during the PREA audit it was determined that the facility was not compliant with Standards 115.41 – Screening for Risk of Sexual Victimization and Abusiveness. The auditors discovered that there was an inmate who was sexually assaulted while in segregation. This incident occurred with an inmate who was received from another facility for segregation placement. The inmate was transferred to Draper Correctional Facility and placed in the Segregation Unit pending disciplinary action for making threats to a staff member. The inmate arrived at Draper after normal business hours after the classification team and PREA Compliance Manager completed their work hours. Another inmate was placed in the same segregated cell as the alleged victim. The second inmate who entered the cell was determined through the Risk Assessment as a possible predator. The victim did not receive a Risk Assessment when he arrived over the weekend. Staff reported they received the inmate as an emergency transfer meaning the transfer had to occur on a weekend rather than during normal duty hours.

The facility and the PREA Auditor agreed on the following corrective action plan. The facility has a PREA Screening for Risk of Sexual Victimization and Abusiveness in place. The facility Warden and PREA Compliance Manager agreed to ensure that a better line of communication takes place and that they perform better checks and balances to prevent placing a possible victim and predator in the same housing unit or cell. The Warden, Classification Staff on Duty, and the Facility PREA Compliance Manager will review the PREA Dashboard before any inmate is transferred to Draper. The Lieutenant will check the PREA Dashboard and review the Risk Assessments of the inmate before transfer to determine assignment. When feasible the newly transferred inmate will be placed in a single cell. No non-traditional/emergency transfer will be placed in a cell with any inmate at risk for abusiveness.

The Associate Commissioner/Director of Secure Facilities advised the auditors regarding additional corrective action plans for the future. The plans involved the ADOC Information System and developing a module for the shift commander to be able to capture the information when a victim or predator enters the facility during after-hours transfers. When this system is in place, it will be another mechanism to assist the facility with properly housing and protecting inmates from sexual victimization and abusiveness.

Interviews with a staff member who conducts vulnerability/risk screening indicated that she was every knowledgeable of the screening process. She related that inmates arriving at the facility were screened initially at the "reception center". She also stated that inmates are screened expeditiously and always within 72 hours of admission. They are rescreened if they go out for visits to the hospital and return, if they go to court, if they go to jail and every 30 days. The process consists of asking questions, reviewing documentation in the inmate database including pre-sentence investigations and other vital

information located there and by checking the Alacourt Website for any court cases in the State database. If an inmate discloses prior sexual victimization or prior sexual aggressiveness the inmate is offered a follow-up with medical or mental health. Most of the inmates who were interviewed related that they were asked the questions from the victimization screening indicating they have been screened.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ ADOC Classification PREA Risk Factors Part 1 and 2 (340 Reviewed)
- ✓ Memo form Warden – July 20, 2016
- ✓ Risk Reassessment Form
- ✓ Non PREA Referrals Binders
- ✓ Non Mental Health Referrals Binders
- ✓ Intake Risk Assessment Checklist
- ✓ Email Inmate Notes
- ✓ Statement of Non Occurrence/Non Applicability (April 21, 2016)

**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.**

**Summary:**

After conducting the screening, the facility uses this information to inform housing, bed, work, education, and program assignments with the goal of keeping all offenders safe and free from sexual abuse. Policy requires offenders at risk of sexual victimization be placed in isolation only as a last resort if less restrictive measures are inadequate to keep them and other inmates safe, and only until an alternative means of keeping all inmates safe can be arranged.

DRAPER CORRECTIONAL FACILITY Policy prohibits placing lesbian, gay, bisexual, transgender, or intersex inmates in particular housing, bed, or other assignments solely on the basis of such identification or status. The policy prohibits considering lesbian, gay, bisexual, transgender, or intersex identification or status as an indicator of likelihood of being sexually abusive. Housing and program assignments for transgender or intersex inmates are based on a cases-by-case basis.

Transgender and intersex inmates are given the opportunity to shower separately from other inmates. The facility does not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated housing unit, facility or wing solely on the basis of identification or status. An offender determined to be either a potential sexual aggressor or an offender at risk for sexual victimization is required to be identified, monitored and counseled.

See standard 115.41.

See interview conducted for 115.41. The screening information is used inform housing, bedding and programming. Staff conducting screenings make referrals to make sure housing units are intermingled. Housing assignments are made by security.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Non PREA Referrals Binders
- ✓ Non Mental Health Referrals Binders
- ✓ Inmate Movement History
- ✓ ADCO Classification PREA Risk Factors Part 1 & 2 (Included in the 340 Review)
- ✓ Statement of Non-Occurrence/Non Applicability (May 24, 2016)
- ✓ Risk Reassessment Form
- ✓ Intake Risk Assessment Checklist

**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.**

**Summary:**

Alabama Department of Corrections Policy and the DRAPER CORRECTIONAL FACILITY requires that offenders at high risk for sexual victimization are not to be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers.

If the facility assigned an offender to involuntary segregated housing, the placement would be only until an alternative means of separation from likely abusers can be arranged and the assignment will ordinarily not exceed a period of 30 days. If it exceeds 30 days, the facility affords the offender a review to determine whether there is a continuing need for separation from the general population.

A memo from the PREA Compliance Manager stated that Draper Correctional Facility does not have a place to house inmates in protective custody. The PREA Compliance Manager also provided a memo of no-occurrence documenting that the facility has not placed anyone in protective custody during the audit period. The warden indicated an inmate victim of sexual abuse would be moved out of his dorm immediately and moved to another dorm and if necessary to another facility. The perpetrator would be placed in disciplinary segregation.

An interview with a mental health staff indicated that the facility would not put a victim in segregation involuntarily. The warden in an interview related that an inmate victim of sexual abuse would be removed from the dorm immediately and placed in another dorm or transferred to another facility.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Memo: Protective Custody (5/4/2016)

**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.**

**Summary:**

Alabama Department of Corrections Policy requires Draper Correctional Facility to encourage offenders who have been the victims of abusive sexual contact, non-consensual sexual act, staff sexual misconduct or staff/offender harassment to report the incidents and to establish procedures allowing for multiple internal ways for inmates to report privately to officials regarding sexual abuse and sexual harassment; retaliation by other inmates and/or staff for reporting sexual abuse and sexual harassment; and staff neglect or violation of responsibilities that may have contributed to incident. The facility provided the following ways for inmates to report sexual abuse and sexual harassment or retaliation:

1. Verbally
2. To friend, a staff member or someone the offender trusts
3. Anonymously

4. Sexual Abuse Rape Hotline Number
5. Counselor's Box
6. Warden's Box
7. Captain Box
8. PREA Compliance Manager 'Box
9. Medical Request Box
10. General Request Box
11. Sending a Letter to I&I using an I&I marked envelope
12. SART Member
13. Third Parties

Offenders are provided information encouraging them to report any incidents of sexual abuse or sexual harassment as well as how they can report it.

Staff is required to document verbal reports immediately.

Posters indicate that inmates may report via the Sexual Assault and Rape Prevention Hotline. The poster advises that the call is a confidential report to the Intelligence and Investigation Division (I&I) and that it is a free recorded call enabling the inmate to leave a 60 second message. Instructions for accessing this reporting venue is explained. Inmates are also provided a preaddressed envelope to the Director of the Investigations and Intelligence Division enabling the inmate to report to that division with their mail being considered as legal mail.

The state requires inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

Staff articulated multiple ways for inmates to report internally and several ways to report externally. Staff related that if the report is made to them, they are required to verbally report it immediately followed with a written report. All of the interviewed inmates could identify at least 3 or more ways to report. Interestingly enough the most common responses were to report it to the PREA Compliance Manager, use the hotline and tell a family member. About half of the inmates stated they would tell a staff.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Interagency Agreement: Alabama Department of Corrections and Alabama Department of Economic and Community Affairs (2016)
- ✓ Sexual Assault and Rape Prevention Hotline
- ✓ Legal Inmate Mail

- ✓ Memo: No Grievance Process
- ✓ Inmates Handbook

**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.**

**Summary: Not Applicable**

Alabama DOC does not have an administrative procedure for dealing with inmate grievances regarding sexual abuse. If a grievance containing allegations of sexual abuse or sexual harassment was received, it would be forwarded to facility investigators, and the matter would be investigated

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Memo: No Facility Grievance Process
- ✓ Interagency Agreement: Alabama Department of Corrections and Alabama Department of Economic and Community Affairs (2016)
- ✓ Sexual Assault and Rape Prevention Hotline
- ✓ Legal Inmate Mail

**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.**

**Summary:**

The Draper Correctional Facility provides offenders with access to outside victim advocates for emotional support services related to sexual abuse. The facility provides offenders with reasonable and confidential access to their attorneys and/or legal representation.

Alabama Department of Corrections Policy requires facilities to maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse.

The facility has posters that alert inmates of the availability of outside confidential support services. These may be accessed via the hotline. This is a toll free confidential call enabling the inmate to talk with a live victim advocate for 15 minutes. They also provided a MOU between the Alabama Department of Corrections and the Alabama Coalition Against Rape. This organization has 15 Rape Crisis Centers located throughout the state and assures the availability of advocates from the center closest to the facility. The agreement enables reasonable communication between inmates and advocates in as confidential manner as possible and to keep any communications between inmates and advocates confidential to the extent that any specific reports of sexual abuse or sexual harassment are reported to the advocate during any communications. The ACAR provides a confidential toll-free hotline. All advocates are required to complete volunteer and PREA training provided by ADOC prior to any work or services. Another MOU with The Lighthouse Counseling Center, Standing Together Against Rape provides for forensic exams.

Inmates are able to communicate with their legal representative via phone, through Legal Mail, and in person.

Inmates confirmed that they have access to their legal representatives if they have one. They were not well informed about the availability of outside support services however they did, when asked, state that the information was posted on the walls.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Interagency Agreement: Alabama Department of Corrections and Alabama Department of Economic and Community Affairs (2016)
- ✓ MOU: Alabama Department of Corrections and Alabama Coalition Against Rape ((May 18, 2016)
- ✓ MOU: Lighthouse Counseling Center, Inc. “Standing Together Against Rape” program and Correctional Medical Services, Inc.
- ✓ Outside Confidential Support Services Hotline
- ✓ Sexual Assault and Rape Prevention Hotline
- ✓ Legal Inmate Mail
- ✓ Posters

### 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.**

#### Summary:

Anyone who suspects or has knowledge that sexual abuse has occurred at the Draper Correctional Facility can report through the Alabama Department of Corrections website, which gives clear reporting instructions for reporting. The link on the website entitled “Request an Investigation” involving sexual abuse and sexual harassment, leads the individual to a fillable form for reporting. The reader is advised that they may also report anonymously by not putting their name on the form. They are also advised if they want a response they need to leave a phone number.

Draper Correctional Facility inmates are able to make a third party report to I&I by calling “66” on the inmate phone system.

Interviews with inmates consistently indicated that they are aware that third parties, such as family members, girlfriends and other inmates can make a report on their behalf. Too, interviewed staff stated they are trained to treat all allegations seriously as well as even a suspicion. They stated they would take a third party report and immediately report it to their shift supervisor and treat it just like any other allegation or report.

#### Documentation Reviewed:

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Agency Website Tip Reporting ([www.doc.alabama.gov](http://www.doc.alabama.gov))

### 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.**

**Summary:**

DRAPER CORRECTIONAL FACILITY Policy requires all staff to immediately report any known or suspected act or allegation of sexual misconduct or retaliation to the Administration through the appropriate chain of command. This includes verbal reports, written reports, third party reports as well as anonymous reports. Any knowledge, suspicion or information regarding sexual abuse, sexual harassment and custodial misconduct is required to be reported to the IPCM, PREA Director and the I&I Investigator immediately. All staff must also ensure the confidentiality of the victim (s) in incidents of sexual misconduct is not compromised.

Policy requires that all reports of sexual misconduct, sexual contact or sexual abuse must be considered credible and promptly investigated without regard to whether:

- The inmate named in the allegation is in custody or not
- Staff members named in an allegation are currently employed or not
- The report of the allegation was made in a timely manner or not
- The inmate reporting the allegation is known to have made past false allegations
- The source of the allegation recants the allegation
- The employee receiving the complaint believes or does not believe the allegations

Upon receiving any allegation of sexual abuse, the facility would promptly report the allegations for investigations.

Interviews with both randomly selected and specialized staff and a volunteer indicated that all of them were aware of their duty to report “everything” including a suspicion or any knowledge, allegations or reports of sexual abuse, sexual harassment, staff sexual misconduct, or retaliation. Once again, all of them stated they would report it to their immediate supervisor who would immediately notify investigations.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01392
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-02041
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01343
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01775
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 1501976
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252

- ✓ Consent for Sexual Assault Examination
- ✓ Inmate Body Chart Documentation
- ✓ Inmate Statements
- ✓ Staff Statements
- ✓ Statement of Non Occurrence/Non Applicability
- ✓ Inmate Living Agreement

**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.**

**Summary:**

Alabama Department of Corrections Policy and Procedures require that inmates at high risk for 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 others alternatives available. If segregated housing is the only means to protect an inmate, the inmate shall have access to all programs, privileges, education and work opportunities to the extent possible and it shall only be until an alternative means of separation from likely abusers can be arranged, a time not ordinarily to exceed thirty (30) days. These cases will be clearly documented. Alabama Department of Corrections Policy and Procedures requires that as soon as staff learn that an offender is subject to substantial risk of imminent sexual abuse, they take immediate action to protect the offender by housing unit reassignment or using a critical incident report for sexual assault.

DRAPER CORRECTIONAL FACILITY requires that when an inmate is identified as being at risk for sexual abuse on his current housing unit, the screening staff will request that the supervisor on duty immediately move the inmate to an alternate unit. If alternative placement cannot be arranged, the Warden and/or PREA Coordinator will develop a written plan of action that will provide a safe and secure environment for the victim and ensure the plan is implemented.

Interviews with staff indicated that the default response to an inmate’s allegation or reports that they are at substantial risk of imminent sexual abuse is not segregation/protective custody. Staff indicated that the inmate would be moved to another dorm, or other living unit such as the Faith Based Unit with inmates who worked to achieve that status and elderly inmates. The inmate could also be sent to another facility if he felt he could not be safe at this facility.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA

### **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.**

#### **Summary:**

The facility has a procedure that requires upon receiving an allegation that an offender was sexually abused while confined at another facility, the Warden of the facility notifies the Warden of the sending facility that sexual abuse is alleged to have occurred at their facility. The receiving Warden notifies the appropriate investigative body. Notification is accomplished as soon as possible but not later than 72 hours.

The PREA Compliance Manager provided Memo’s for each quarter of the past year through the audit date documenting that the facility has not received any allegations that an offender was sexually abused while confined at another facility.

If an inmate did make such an allegation, the facility utilizes a form entitled, “Reporting to Other Confinement Facilities”. In addition to the basic information contained on the form, there is also a space to document whether or not I&I was notified, the name of the investigator notified and the time and date he/she was notified.

An interview with the warden indicated he is very much aware of the requirements for reporting any allegations made by an inmate that he was sexually abused at another facility. He related he would contact the warden of the sending facility and notify him and that this would occur within 72 hours. He said he would ensure that an investigation was being conducted.

#### **Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Reporting to Other Confinement Facilities Form

### **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.**

**Summary:**

Alabama Department of Corrections Policy and Procedures require facilities to have a first responder procedure. The procedure includes actions that should be taken upon learning of an allegation that an offender was sexually abused. The first security staff member to respond is required to:

1. Separate the alleged victim and abuser;
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence
3. 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 first staff responder is not a security staff member, the responder shall be required to request that the victim not take any actions that could destroy physical evidence and the notify security staff.

The facility also provided a flow chart to demonstrate actions that should occur from reporting to investigations.

All of the interviewed staff, including non-security staff, were knowledgeable of their roles as first responders. They all were able to describe the actions they would take in the event of a sexual assault. These included, separating the victim from the abuser, notifying the shift supervisor, ensuring that the crime scene is sealed off and that a log is started to document anyone going in and out of the area, instruct the victim and perpetrator not to use the restroom, change clothes or take any other actions that could eliminate evidence or degrade it.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ First Responder Checklist Card
- ✓ Investigations Mapping/Flowchart

**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.**

**Summary:**

ADOC Policy explains in detail the coordinated responsibilities of the first responder, Shift Commander, Medical and Mental Health. First responders are to ensure the victim and aggressor and witnesses are physically separated; protect and preserve the crime scene until appropriate steps can be taken to collect evidence; request that the victim not bathe, wash, brush his teeth, eat, drink, smoke, urinate or defecate and, if the first responder is not a security staff, the responder should request that the alleged victim not take any actions that would destroy evidence and notify a security staff, don’t show the alleged victim or aggressor or witnesses any evidence, don’t interview any of these parties, notify the shift commander and draft an incident report. The Shift Commander will ensure the responder secures the crime scene, ensure I&I are contacted, ensure that only trained and qualified staff collect evidence, take the alleged victim to medical, ensure medical treatment has been completed by medical staff and follow the instructions of the I&I investigator and IPCM, ensure that the only photos taken of the alleged victim and aggressor and witnesses are only taken when IPCM and/or I&I instruct it. Medical provides timely, unimpeded access to emergency medical treatment and crisis intervention services. The IPCM shall also refer an inmate victim immediately to an ADOC mental health professional for treatment and counseling. The coordinated response goes on to discuss investigations and that process.

Standard Operating Procedure #9-32 Inmate Sexual Assault and Harassment, dated April 9, 2014 provides facility specific directions in a coordinated response plan.

The facility also provided a flow chart to describe the coordinated actions of staff and departments.

Interviewed staff articulated the coordinated response plan in describing the actions they would take upon learning of an incident or allegation of sexual abuse. The warden, in an interview, explained the coordinated response plan for the facility.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA
- ✓ Applicable Code of Alabama 1975 Sections
- ✓ Written Facility SOP / Coordinated Response
- ✓ SART Meetings

**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.**

**Summary:**

Employees at the Draper Correctional Facility are state employees. They are not members of a union and can be removed from the facility, placed on administrative leave or sanctioned in accordance with agency personnel policies, procedures and rules. This facility does not operate under any collective bargaining agreement.

**Interviews:**

The warden, in an interview, explained that his employees are state employees and as such can be removed from the grounds and placed on administrative leave following an allegation of sexual abuse. He has the ability to move the staff to another dorm or to transfer the staff to another facility. Employees are governed by the State ADOC personnel rules.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy (ADOCP) 454, Inmate Sexual Abuse and Harassment – PREA

**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.**

**Summary:**

Draper Correctional Facility complies with Alabama DOC Policies to protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff.



The Facility PREA Compliance Manager serves as retaliation monitor in this facility

The facility employs multiple protective measures against retaliation that includes the following:

1. Housing changes or transfers for victims or abusers
2. Removal of alleged staff or offender abusers from contact with victims
3. Emotional support services for offender and staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

To document retaliation monitoring, the facility uses the Alabama Department of Corrections PREA Retaliation Monitoring form.

There is a process that requires monitoring for retaliation at least 90 days following a report of sexual abuse. The facility monitors the conduct and treatment of inmates and/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.

The facility had one allegation of sexual abuse that resulted in monitoring for retaliation. The PREA Compliance Manager is the staff person designated to monitor retaliation. The monitoring form entitled "Sexual Abuse Retaliation Monitoring" was used to document the retaliation monitoring. The instructions on the form explain that this form is to be completed upon receipt of a sexual abuse allegation for monitoring staff or prisoners who report sexual abuse or for monitoring prisoners who are an alleged victim of sexual abuse. The allegations were received on 8/9/15. Face to face contacts were documented weekly for 8 weeks and on the 8<sup>th</sup> week the inmate was still not having any retaliation issues and was scheduled for release from prison in about two weeks after the last monitoring face to face.

An interview with the PREA Compliance Manager indicated that once an allegation is made he goes to see them and has a face to face with them weekly then for up to 90 days and beyond if needed. He indicated that he would separate the inmate "from the problem". That could be a dorm change or a transfer. He said he sees them weekly for face to face meetings but may also conduct an impromptu meeting. He related he would be monitoring things like behavioral changes, disciplinary reports etc. but primarily he would be talking with the inmate.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Draper Correctional Facility Local Operating Procedures
- ✓ Inmate Movement History
- ✓ ADOC PREA Sexual Abuse Retaliation Monitoring
- ✓ Inmate Interview Form
- ✓ Receiving/Transfer Report (7/9/2015)

**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.**

**Summary:**

The ADOC Policy states that inmates at high risk for sexual victimization or those who report it shall not be placed in involuntary administrative or punitive segregation unless there has been an assessment of all other available alternatives and a determination has been made that there are no other alternatives available.

In cases where segregated housing is the only means to protect an inmate, the inmate shall have access to all programs, privileges, education and work opportunities, to the extent possible, and it shall only be until an alternative means of separation from likely abusers can be arranged, a time not ordinarily to exceed thirty (30) days. In these cases, the facility shall clearly document the basis for the facility’s concerns for the inmate’s safety and the reason why no alternative means of separation can be arranged.

The PREA Compliance Manager reported, in quarterly statements, that there have been no cases in the past 12 months where an inmate victim was placed in involuntary segregation.

The PREA Compliance Manager related that segregation would not be used unless the inmate requested it. He stated that rather than place a victim in segregation he would try to place him in a dorm like the “Faith” Dorm that houses inmates who have earned their way into the dorm and also a dorm housing the more elderly inmates. If the inmate requested segregation the placement would be temporarily for 24 hours after which the inmate would be released and/or possibly transferred to another facility for protection if needed. He said the aggressor would be placed in segregation.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Memorandum from Warden/Directive from Operations
- ✓ Memo: Correctional Lieutenant
- ✓ Inmate Movement History
- ✓ ADOC PREA Sexual Abuse Retaliation Monitoring
- ✓ Inmate Interview Form
- ✓ Receiving/Transfer Report (7/9/2015)

## 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.**

### Summary:

ADOC Policy requires that allegations of sexual abuse and sexual harassment will be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegations did not involve potentially criminal behavior. Investigations at DRAPER CORRECTIONAL FACILITY are conducted by investigators from Intelligence and Investigations (I&I), the PREA Compliance Manager and two captains. Criminal investigations are conducted by I&I.

DRAPER CORRECTIONAL FACILITY policy requires that any reports (direct, indirect, third party) received involving sexual abuse and sexual harassment will be reviewed by the Warden and/or PREA Facility Coordinator immediately. The incident will be reviewed promptly, thoroughly and objectively and referred to I&I immediately. I & I would take the referral regardless of time of day or night and it would be assigned to an investigator.

The Draper Correctional Facility Investigator (s) and/or I&I will gather and preserve evidence, interview alleged victims, suspected perpetrators and witnesses and assist the Alabama Department of Corrections and /or I&I with reviewing prior reports if any of sexual abuse involving the suspected perpetrator.

Alabama Department of Corrections and/or I&I will not terminate an investigation if the source of the allegation recants the allegation. Any departure of the alleged abuser or victim from employment or custody of the Draper Correctional Facility is not a basis for termination of the investigation.

The I&I documents in a written report thorough descriptions of physical, testimonial and documentary evidence when feasible and refers any substantiated allegations of conduct that appear to be criminal for prosecution.

Investigators use the preponderance of the evidence to make a determination in administrative investigations

Draper Correctional Facility retains all written reports for as long as long as the alleged abuser is in custody or employed by the institution plus five years.

If the I&I deems the act to be of a non-criminal nature, then an administrative investigation will occur. The incident review determines whether the staff actions or inactions contributed to the incident. The review is documented.

The PREA Compliance Manager is an internal investigator. He described the investigations process stating that an investigation would begin immediately once an allegation is made and once again the process would include collecting evidence, interviewing the alleged victim and alleged perpetrators. He related that Departmental I&I investigators would be the ones to conduct investigations that appear to be criminal in nature. His role in those cases, he said would be to assist as requested by the I&I Investigators. The Assistant Director of I&I related that investigations into allegations of sexual assault would begin immediately, even in the middle of the night, if needed. He related that upon receiving the allegation they

would analyze the complaint and start building a case and begin gathering evidence. He related that if a report or allegation is made anonymously or through third parties, the investigation process would be the same.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Inmate Handbook
- ✓ Administrative Regulation Number – 300 – Investigations and Intelligence Division
- ✓ Internal Investigations Distribution List
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01392
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-02041
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01343
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01775
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 1501976
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Consent for Sexual Assault Examination
- ✓ Inmate Body Chart Documentation
- ✓ Inmate Statements
- ✓ Staff Statements
- ✓ Investigative Report Case No. 16-0423 (Confidential) 2/17/2016
- ✓ Letter to Leader Auditor (April 22, 2016)

**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.**

**Summary:**

Alabama Department of Corrections Policies state that the facility’s standard of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated is a preponderance of evidence.

Interviews with three facility investigators and the Assistant Director of I&I indicated that the standard for substantiating a case of sexual abuse is the preponderance of the evidence.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Administrative Regulation Number – 300 – Investigations and Intelligence Division
- ✓ Internal Investigations Distribution List
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01392
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-02041
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01343
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01775
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 1501976
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Consent for Sexual Assault Examination
- ✓ Inmate Body Chart Documentation
- ✓ Inmate Statements
- ✓ Staff Statements

**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.**

**Summary:**

DRAPER CORRECTIONAL FACILITY policy requires that inmates who are currently in the custody of the Draper Correctional Facility are entitled to know the outcome of the investigation into their allegation.

If the allegation involved a staff member, the facility will inform the inmate whenever:

- The staff member is no longer posted in the institution
- The staff member is no longer employed at the institution
- The staff member has been indicted on a charge related to sexual abuse within the institution or the staff member has been convicted on a charge related to sexual abuse within the institution

If the allegation involved another inmate, the facility will inform the alleged victim when the alleged abuser has been:

- Indicted on a charge related to sexual abuse within the institution or the alleged abuser has been convicted on a charge related to sexual abuse within the institution.

The facility provided a sample of notifications to inmates. Notifications are provided by the Investigations and Intelligence Division Investigators.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Investigative Outcome
- ✓ Notification of Investigative Outcome

**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.**

**Summary:**

Draper Correctional Facility policy has a zero tolerance for sexual misconduct between inmates and any staff members. Sexual misconduct perpetrated by staff is contrary to the policies of Alabama Department of Corrections PREA policy and professional ethical principles that all employees are bound to uphold. Any such conduct is cause for disciplinary action up to and including termination.

There is no consensual sex in a custodial or supervisory relationship as matter of law. A sexual act with an inmate by a person in a position of authority over the inmate is a felony and subject to criminal prosecution.

Retaliation against an inmate who refuses to submit to sexual activity or retaliation against individuals (including witnesses) because of their involvement in the reporting or investigation of sexual misconduct is also prohibited and grounds for disciplinary actions including termination and criminal prosecution.

ADOC AR 208 Table of Infractions and Level of Discipline lists “dismissal” for the first incident of sexual misconduct.

Failure of employees to report incidents of sexual misconduct is cause for disciplinary action up to and including termination.

Termination is the presumed sanction for substantiated cases of sexual abuse or sexual harassment. Sanctions for sexual harassment are guided by ADOC Policy and may include progressive discipline.

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

Interviews indicated that any staff involved in a substantiated case of sexual abuse would be terminated. Staff who violate other rules related to PREA Violations would be handled through progressive discipline and after consultation with the ADOC Human Resources staff.

The warden provided a memo to the auditor confirming that there have been no employees have been involved in an incident of sexual abuse, sexual harassment or sexual misconduct during this audit period.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Administrative Regulation 208 – Employee Standards of Conduct and Discipline
- ✓ Corrective Action History Record (Form)
- ✓ Counseling Session (Form)
- ✓ Written Reprimand (Form)
- ✓ Employee Hearing Waiver

- ✓ Sample: Notice of Recommendation for Suspension
- ✓ Record of Administrative Hearing (Form)
- ✓ Letter to Lead Auditor

**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.**

**Summary:**

Alabama Department of Corrections and Draper Correctional Facility requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies and to relevant licensing bodies.

The facility provided memo’s indicating they have not had any incidents involving any contractor or inmate during the past 12 months. The warden provided a memo to the auditor stating that there have been no contractors or volunteers involved in any incidents of sexual abuse, sexual harassment or sexual misconduct during this auditing period.

Interviews with the warden and other staff indicated that if a volunteer or contractor violated any sexual abuse or sexual harassment policy they would be restricted from coming onto the prison grounds and from any contact with inmates and if warranted referred for prosecution.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Training Records
- ✓ Refer to HR for Letter of Dismissal
- ✓ Terminate Contact with Inmates
- ✓ Reports to I & I
- ✓ PREA Sign-In-Sheet



## 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.**

### Summary:

The Draper Correctional Facility complies with ADOC policy that requires that offenders are subject to disciplinary sanctions only pursuant to a formal disciplinary process following an administrative finding that the offender engaged in inmate on inmate sexual abuse. Sanctions 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 would be taken into account.

The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining the type of sanction.

The facility prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation.

The facility provided examples of disciplinary reports and due process hearings for several incidents of sexual harassment. One inmate was provided due process and following the hearing was found guilty and sanctioned with 30 days segregation and 30 days loss of canteen. Another inmate received loss of canteen privileges, visiting and telephone for 45 days.

Interviews with the PREA Compliance Manager indicated that inmates will be held accountable and sanctioned in compliance with the rules of the facility. He related the inmate would be provided due process and sanctions would be commensurate with the offense.

### Documentation Reviewed:

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Disciplinary Report # DRAPER CORRECTIONAL FACILITY-15-01343
- ✓ Disciplinary Report Continuation
- ✓ List of Questions for Staff
- ✓ Rule Violations Authorized Sanctions
- ✓ Inmate Movement History

- ✓ Mental Health Consultation to the Disciplinary Process
- ✓ Inmate Handbook

**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.**

**Summary:**

Draper Correctional Facility policy requires that if an inmate’s intake assessment indicates that he has experienced any prior victimization or has perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the inmate will be offered a follow-up meeting within 14 days of the intake screening. Documentation to confirm that the inmate was offered the services would be noted on the inmate’s intake screening instrument. Any information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to necessary staff maintaining strict confidentiality.

Medical and mental health staff obtains informed consent from an inmate before reporting information about prior sexual victimization that did not occur in an institutional setting.

The facility provide documentation demonstrating that an inmate reporting prior sexual victimization on his vulnerability assessment/screening was referred to mental health for a follow-up. A memo from the Psychologist II stated that there has only been one inmate during the past 12 months who reported prior sexual victimization. They also confirmed that that inmate was seen by mental health.

Interviews with mental health staff, staff conducting risk assessments and the PREA Compliance Manager indicated that inmates are referred to mental health for a follow-up visit if they desire it. If a referral is made/offered it is documented on the screening form.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Alabama Code 26-14-3 (HB301)
- ✓ ADOC Classification PREA Risk Factors Part 1 and 2
- ✓ Referral to Mental Health

- ✓ Medical Referral

### **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.**

#### **Summary:**

Draper Correctional Facility medical and mental health staff would ensure that inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which is determined by medical and mental staff.

Policy requires medical first responders to provide care and treatment as outlined in the Sexual Assault Manual. Medical staff will provide immediate care and evaluate the victim for life threatening injuries. Policy also requires that medical staff can aid in the preservation of evidence by instructing the offender not to take any actions that could destroy physical evidence and assisting with the arrangement of a forensic exam by a SANE here at the institution at no cost to the offender.

Mental health treatment services are provided by the institutional Counselor. Outside services are available 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. If the inmate desires and the claim is substantiated, then the Facility ensures continued Mental Health Services are rendered.

The facility provided the auditor with a MOU with “The Lighthouse” who will perform forensic exams. The agreement says they will provide an exam within 45 minutes of notification.

Interviews with medical and mental health staff confirmed that initial first aid would be provided at the facility through medical staff at Staton. The nature and scope of their services would be determined according to their professional judgment. They also stated that inmates would receive timely and unimpeded access to emergency medical treatment and crisis intervention services.

#### **Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ First Responder Checklist
- ✓ Rape Crisis Center/SANE Center MOU

- ✓ Refer to Rape Crisis Centers/SANE Centers/ER for Medical Information
- ✓ Referral from Corizon Medical Staff to Transport Inmate to SANE/Rape Crisis Centers
- ✓ Alabama Coalition Against Rape Member Rape Crisis Center and DOC Facility Location

**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.**

**Summary:**

Alabama Department of Corrections requires medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse to include past victimization. Victims of sexual abuse while at the facility are offered tests for sexually transmitted infection as medically appropriate. The facility attempts to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such history and offers treatment when deemed appropriate.

If an allegation is of actual sexual abuse, the victim is referred to the facility’s Health Care Staff for examination. Upon completion of the SANE nurse’s examination, the institution nurse is to assess for any lingering acute or non-acute physical injuries as well as any psychological impact of the victimization. Follow up medications, treatment, testing, etc. will be completed as ordered. This may include repeat HIV/STD testing and follow-up medication as needed/ordered for HIV/STD. All findings are documented in the inmate’s medical record and strict confidentiality will be maintained at all times.

The facility would provide for on-going mental health services and medical services. Crisis counseling and treatment are provided at the facility and medical services related to any discharge orders would be taken care of.

**Documentation Reviewed:**

- ✓ Pre-Audit Questionnaire (PAQ) Adult Prisons & Jails
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Rape Crisis Center/SANE Center MOU
- ✓ Refer to Rape Crisis Centers/SANE Centers/ER for Medical Information
- ✓ Referral from Corizon Medical Staff to Transport Inmate to SANE/Rape Crisis Centers
- ✓ Alabama Coalition Against Rape Member Rape Crisis Center and DOC Facility Location

## 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.**

### Summary:

Draper Correctional Facility has a process in place to conduct sexual abuse incident reviews at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded. The review would occur within 30 days of the conclusion of the investigation.

The sexual abuse incident review team includes upper-level management official and allows for input from line supervisors, investigators, and medical and mental health staff.

Incident Reviews are documented on a Sexual Abuse Incident Review form. A reviewed form indicated the need for policy change. Transferred inmates are now to be housed in a dorm or single cell until all assessments have been completed. Members of the team acknowledged their participation. The Warden, who is also on the team, reviews the team's recommendations and documents/orders the improvements or changes to made as a result of the incident review.

### Documentation Reviewed:

- ✓ Draper Correctional Facility Sexual Abuse Coordinated Team Response (Written Plan)
- ✓ Draper Correctional Facility Sexual Abuse Incident Review Team Meeting Minutes Sheet
- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01392
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-02041
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01343
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01775
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 1501976
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252

- ✓ Consent for Sexual Assault Examination
- ✓ Inmate Body Chart Documentation
- ✓ Inmate Statements
- ✓ Staff Statements

**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.**

**Summary:**

Draper Correctional Facility has a process in place to collect accurate, uniform data for every allegation of sexual abuse at the facilities under its direct control using a standardized instrument and set of definitions. A set of definitions is included in the policy. In addition, the facility uses the DOJ Form SSV-Survey of Sexual Violence Incident Report as their standardized instrument and for definitions.

Upon request, the facility provides all data from the previous calendar year to the Department of Justice no later than June 30 of each year on the U.S. Justice Department Survey of Sexual Violence Form SSV-5.

The reviewed Survey of Sexual Victimization, 2014 was provided and reviewed.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Annual Data Review
- ✓ U.S. DOJ Survey of Sexual Violence (2013)
- ✓ U.S. DOJ Survey of Sexual Violence (2014)
- ✓ Annual Assessment of Agency’s Progress Concerning Sexual Abuse (Comparison Report) 2013 & 2014
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01392
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-02041
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252

- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01343
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 15-01775
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 1501976
- ✓ Incident Report – DRAPER CORRECTIONAL FACILITY 16-00252
- ✓ Data Review and Corrective Action
- ✓ Consent for Sexual Assault Examination
- ✓ Inmate Body Chart Documentation
- ✓ Inmate Statements
- ✓ Staff Statements

**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.**

**Summary:**

Draper Correctional Facility reviews data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including problem areas, taking corrective action, and preparing an annual statement of its finding from its data review. The annual reports are approved by the agency. The facility redacts material from an annual report for publication; the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility.

Two documents were provided for review. These included the Annual Assessment of Agency’s Progress Concerning Sexual Abuse and Data Review and Corrective Action. The annual report compared the numbers of allegations for the following categories (for 2013 and 2014): Inmate on Inmate Nonconsensual Sexual Acts, Inmate on Inmate Abusive Sexual Contact, Inmate on Inmate Sexual Harassment, Staff Sexual Misconduct and Staff Sexual Harassment. Statistics demonstrated a decrease in allegations of inmate on inmate nonconsensual sexual acts but an increase in reporting inmate on inmate abusive sexual contact, inmate on inmate sexual harassment, staff sexual misconduct and staff sexual harassment. The numbers of substantiated cases were reduced for inmate on inmate nonconsensual sexual acts, inmate on inmate sexual harassment and staff sexual misconduct. The Data Review and Corrective Action Report identified areas the Department needed to improve. Issues were identified and responses followed to address the need for corrective actions.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Agency Website
- ✓ Website Publication
- ✓ Annual Data Review
- ✓ U.S. DOJ Survey of Sexual Violence (2013)
- ✓ U.S. DOJ Survey of Sexual Violence (2014)

**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.**

**Summary:**

Draper Correctional Facility requires that aggregated sexual abuse data is made readily available to the public at least annually through the agency website. The facility maintains sexual abuse data collected pursuant to 115.87 for at least 10 years after the date of initial collection, unless Federal, State, or local law requires otherwise.

**Documentation Reviewed:**

- ✓ Alabama Department of Correction Policy 454, Inmate Sexual Abuse and Harassment – PREA Prison Rape Elimination Act – PREA
- ✓ Website Publication
- ✓ U.S. DOJ Survey of Sexual Violence (2013)
- ✓ U.S. DOJ Survey of Sexual Violence (2014)

**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.

*Robert Lanier*

August 11, 2016

Auditor Signature

Date