

NATIONAL  
**PREA**  
RESOURCE  
CENTER



NCCD | National Council on  
Crime & Delinquency

## Audits

American Jail Association  
May 4, 2013

- FAQ's about audits
- PREA Compliance Timeline
- Overview of Audit Instrument
- The National PREA Resource Center
- Q & A

# BURNING ISSUES

## **Do the Standards apply to locally-operated facilities?**

**Yes, the standards do apply to local facilities.**

PREA required the Attorney General to promulgate standards for a wide range of confinement facilities, and Congress specifically mentioned jails, police lockups, and other facilities.

The statute imposes certain financial consequences on states that are not in compliance with the standards.

**For county, municipal, and privately run agencies that operate confinement facilities, PREA lacks any corresponding sanctions for facilities that do not adopt or comply with the standards. (page 181)**

- Protect inmates from sexual abuse
- Mitigate against litigation
- Safer environment for both inmates and staff
- Accreditation – most will require PREA compliance

Despite absence of statutory authority .....other consequences may provide incentives for voluntary compliance.

- ❑ May influence the standard that **courts will apply in legal and constitutional claims**
- ❑ **Major accreditation organizations** may need to comply with the standards as a condition of accreditation. (page 181)
- ❑ **Facilities that contract** to hold state or federal inmates risk losing those contracts.

- August 20, 2012:** Standards applicable to state and local facilities effective date
- May 1, 2013:** Target date for DOJ to fully implement auditor certification process (estimated)
- August 20, 2013:** Three-year audit cycle begins
- October 1, 2013:** First date on which federal grant funds may be impacted (FY 2014)
- August 19, 2014:** One-third of facilities must be audited
- August 19, 2015:** Second third of facilities must be audited
- August 19, 2016:** First three-year audit cycle complete

Each facility audited once every three years.

Audits must be conducted by:

1. A member of a correctional monitoring body that is not part of, or under the authority of, the agency;
2. A member of an auditing entity such as an inspector general's or ombudsperson's office that is external to the agency; or
3. Other outside individuals with relevant experience.

DOJ will control and monitor the audit certification process.

ALL PREA auditors certified by the DOJ every three years.

- Auditors subject to de-certification for cause.
- Auditors required to maintain all documents, notes, media, and other information used in making his or her audit determinations.

Auditor Certification and Training Process:

- Training conducted by PREA Resource Center
- Background check by USDOJ

- DOJ will conduct random auditor peer reviews, and when concern about auditor effectiveness.
- The PRC and DOJ will develop the audit instrument, made available on PRC website.

*Each agency should develop its own process to find an auditor, consistent with PREA Standard 115.402,*

- Auditor must be certified by DOJ
- DOJ will publish a list of certified auditors from which to choose
- No financial compensation from agency for 3 yrs. Prior or subsequent to audit (except for audit itself)
- Cannot employ or contract with agency for 3 yrs. Subsequent

## For facilities found out of compliance:

- an automatic 180-day corrective action period
- the auditor will work with agency to remedy deficiencies
- re-audit after 180 days

## **PREA audits will NOT be paper-only audits.**

Audits will include *at least*:

- Preparation off-site (review of documents)
- Interviews with inmates, staff, administrators and others
- Physical plant assessment
- Policy and procedure assessment
- Review of documents, video and electronic data
- Review of investigations

For each standard, a determination made if:

- Exceeds Compliance
- Meets Compliance
- Does Not Meet Compliance

For each standard that “Does Not Meet Compliance”:

- At completion of audit, a 180-day corrective action period begins:
- Auditor will work with agency to develop corrective action plan
- At end of 180 days, re-audit

- Does your agency wish to comply as a matter of policy regardless of requirements of the law?
- Read the standards (including the preamble)
- Determine who will do your audit
- Assess your operations – TOOLKIT– self assessment process
- Use the audit instrument as a guideline
- Develop an Action Plan

# Using the Audit Instrument

- **Map of Audit Process** – informational summary
- **Pre-Audit Questionnaire** – completed by agency prior to auditor arrival.
- **Checklist of Policies/Procedures, Documents** – for agency preparation
- **Auditor Compliance Tool** – 105 page document for auditor
- **Auditor Report Template**
- **Interview Protocols** – for auditor use only
- **Handbook for agencies**

<b>SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS</b>		
<b>§115.41 – Screening for risk of victimization and abusiveness.</b>		
<b>115.41 (a)-1</b> The agency has a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other inmates.	<input type="checkbox"/> Yes <input type="checkbox"/> No	UPLOAD SCREENING POLICY Page/Section: (fill in)

**115.41 (a)-All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.**

- Yes
- No

***Pre-Audit:***

QUESTIONNAIRE:

The agency has a policy that requires screening (upon admission to a facility or transfer to another facility) for risk of sexual abuse victimization or sexual abusiveness toward other inmates. *YES or NO (FROM 115.41(a)-1)*

POLICY:

*SCREENING POLICY (FROM 115.41(a)-1)*

Refer to page/section: *(FROM 115.41(a)-1)*

AUDITOR NOTES:

***Audit:***

INTERVIEW GUIDE(S):

Staff Responsible for Risk Screening – Q: 1

Random Sample of Inmates – Q: 7

AUDITOR NOTES:

## REPORTING

### §115.51 – Inmate reporting.

#### 115.51 (b)-1

**The agency provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency.**

Yes

No

UPLOAD ANY  
RELEVANT POLICIES  
Page/Section:

UPLOAD  
DOCUMENTATION OF  
AGREEMENT WITH  
OUTSIDE PUBLIC OR  
PRIVATE ENTITY  
RESPONSIBLE FOR  
TAKING REPORTS

**115.51 (b) - The agency shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. Inmates detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.**

- Yes
- No

***Pre-Audit:***

QUESTIONNAIRE: The agency provides at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. *YES or NO (FROM 115.51(b)-1)*

The agency has a policy requiring 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. *YES or NO (FROM 115.51(b)-2)*

**POLICY:**

*RELEVANT POLICY (FROM 115.51(b)-1)*  
Refer to page/section: *(FROM 115.51(b)-1)*

*RELEVANT POLICY (FROM 115.51(b)-2)*  
Refer to page/section: *(FROM 115.51(b)-2)*

**OTHER DOCUMENTATION:**

*DOCUMENTATION OF AGREEMENT WITH OUTSIDE PUBLIC OR PRIVATE ENTITY RESPONSIBLE FOR TAKING REPORTS (FROM 115.51(b)-1)*

**AUDITOR NOTES:**

***Audit:***

INTERVIEW GUIDE(S):  
PREA Compliance Manager – Q: 7, 8  
Random Sample of Inmates – Q: 9, 10

**AUDITOR NOTES:**

Standard	PRE-AUDIT	DURING AUDIT
<p>§115.41 – Screening for Risk of Victimization and Abusiveness</p>	<ul style="list-style-type: none"> <li data-bbox="330 258 1221 635">❑ Agency policy governing screening of inmates (upon admission to a facility or transfer to another facility and reassessments).</li> <li data-bbox="330 635 1221 863">❑ Screening instrument used to determine risk of victimization or abusiveness.</li> <li data-bbox="330 863 1221 1360">❑ Records of initial assessment and reassessment for risk of sexual victimization or abusiveness.</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1221 258 1910 635">❑ Records for inmates admitted to the facility within the past 12 months for evidence of appropriate screening.</li> <li data-bbox="1221 635 1910 1360">❑ Records of reassessment within the past 12 months for risk of sexual victimization or abusiveness.</li> </ul>

[www.prearesourcecenter.org](http://www.prearesourcecenter.org)

## **Mission and Methods**

The mission of the PRC is to assist adult prisons and jails, juvenile facilities, lockups, community corrections and tribal facilities in their efforts to eliminate sexual abuse by increasing their capacity for prevention, detection, monitoring, responses to incidents and services to victims and their families.

- Training and Technical Assistance
- Auditor Training
- Website and Resource Library

Search the PREA Library for Articles and Resources:

#### LEGAL



In this section of the library you will find information about the Prison Rape Elimination Act of 2003 and related laws and legal issues.

[See all Legal articles >](#)

#### NEWS COVERAGE



In this section of the library you will find all PREA-related news articles, including news about the law, implementation of standards, and federal and local initiatives.

[See all News Coverage articles >](#)

#### POLICY & PRACTICE



In this section of the library you will find sample PREA-related policies and PREA policy development guides.

[See all Policy & Practice articles >](#)

#### RESEARCH



In this section of the library you will find federally funded and academic reports and articles on a range of PREA-related topics.

[See all Research articles >](#)

#### RESOURCES



In this section of the library you will find tools such as training materials, handbooks, policy development toolkits, and a list of resources for survivors.

[See all Resources articles >](#)

#### STANDARDS



In this section of the library you will find the federal PREA standards and information about the development, implementation, compliance with, and enforcement of the standards.

[See all Standards articles >](#)

## Library Sections

- Recently Additions
- Legal
- News Coverage
- Policy & Practice
- Research
- Resources
- Standards

## Methods of Delivery

- Webinars
- Publications
- Regional Trainings
- Field-initiated Training and Technical Assistance
- Auditor Training
- BJA PREA Demonstration Sites
- Other technological platforms (such as e-Learning Courses)

To request training or technical assistance from the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). For questions about training and technical assistance, contact:

Dave Gaspar  
[dgaspar@nccdglobal.org](mailto:dgaspar@nccdglobal.org)

Peg Ritchie  
[PRitchie@nccdglobal.org](mailto:PRitchie@nccdglobal.org)

# PREA Resources online to Jail Practitioners

- BJA Funded
- Developed by The Moss Group under cooperative agreement with the Center for Innovative Public Policies, Inc.

Available at

[www.nicic.gov](http://www.nicic.gov)

- Provide basic information about PREA and its implementation;
- Offer a self-assessment tool for jail administrators and their staff members to assess priority areas of implementation and develop action plans for PREA implementation;
- Contain resources for further reading and/or information (e.g., national reports and articles, materials developed and used by other jails, etc); and
- Provide training curriculum and policy guidance.

- ❑ Checklists to conduct a self-assessment of their implementation efforts in the following areas:
  - ❑ Administration
  - ❑ Inmate Management/Services
  - ❑ Screening
  - ❑ Reporting
  - ❑ Investigations
  - ❑ Training and Education
  - ❑ Data Collection
- ❑ Additional content in the following areas:
  - ❑ General Information about the Law
  - ❑ Definitions and Terms
  - ❑ Developing Strategies to Comply with PREA Standards
  - ❑ PREA Background Information

## Implementing The Prison Rape Elimination Act: A Toolkit for Jails

### 2) Staffing, Personnel, and Facility Considerations

Questions	Yes	No	Standard Reference												
1. Does the agency have a rated bed capacity of more than 1000 inmates?	<input type="checkbox"/> <i>(Go to A)</i>	<input type="checkbox"/> <i>(Go to C)</i>	§115.11												
A. If the answer to (1) is YES, is there a full-time PREA Coordinator?	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
B. If the answer to (1) is YES, is there a PREA Coordinator designated for each facility within the system? <i>(Go to 2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
C. If the answer to (1) is NO, is there an agency PREA Coordinator that is either full- or part-time?	<input type="checkbox"/>	<input type="checkbox"/>	§115.11												
2. Does agency policy contain a mechanism for the determination of adequate staffing levels and video monitoring (where applicable) to protect inmates against sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/> <i>(Go to 3)</i>	§115.13												
A. If the answer to (2) is YES, does this mechanism take into consideration the physical layout of each facility, the composition of the inmate population, and any other relevant factors?	<input type="checkbox"/>	<input type="checkbox"/>	§115.13												
3. Does each facility conduct an annual assessment to determine whether adjustments are needed to the following:		<i>(Select only if A-C are Yes)</i>	§115.13												
<table border="1"> <thead> <tr> <th></th> <th>YES</th> <th>NO</th> </tr> </thead> <tbody> <tr> <td>A. Established staffing levels</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>B. Prevailing staffing patterns</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>C. The deployment of video monitoring systems and other technologies?</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		YES		NO	A. Established staffing levels	<input type="checkbox"/>	<input type="checkbox"/>	B. Prevailing staffing patterns	<input type="checkbox"/>	<input type="checkbox"/>	C. The deployment of video monitoring systems and other technologies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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B. Prevailing staffing patterns	<input type="checkbox"/>	<input type="checkbox"/>													
C. The deployment of video monitoring systems and other technologies?	<input type="checkbox"/>	<input type="checkbox"/>													
4. When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, does the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/>	§115.17												
5. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, does the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse?	<input type="checkbox"/>	<input type="checkbox"/>	§115.17												

Once the self-assessments are complete, facilities can develop action plans to guide implementation efforts.

For more information about the **National PREA Resource Center**, visit [www.prearesourcecenter.org](http://www.prearesourcecenter.org). Direct questions to [info@prearesourcecenter.org](mailto:info@prearesourcecenter.org)

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## CENTER FOR INNOVATIVE PUBLIC POLICIES



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