

PREA Facility Audit Report: Final

Name of Facility: Phillips State Prison & Transitional Center

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 06/07/2021

| Auditor Certification | |
|---|--------------------------------------|
| The contents of this report are accurate to the best of my knowledge. | <input checked="" type="checkbox"/> |
| No conflict of interest exists with respect to my ability to conduct an audit of the agency under review. | <input checked="" type="checkbox"/> |
| I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template. | <input checked="" type="checkbox"/> |
| Auditor Full Name as Signed: Adam T Barnett | Date of Signature: 06/07/2021 |

| AUDITOR INFORMATION | |
|-------------------------------------|---------------------|
| Auditor name: | Barnett, Adam |
| Email: | adam30906@gmail.com |
| Start Date of On-Site Audit: | 03/08/2021 |
| End Date of On-Site Audit: | 03/12/2021 |

| FACILITY INFORMATION | |
|-----------------------------------|---|
| Facility name: | Phillips State Prison & Transitional Center |
| Facility physical address: | 2989 W. Rock Quarry Road, Buford, Georgia - 30519 |
| Facility Phone | |
| Facility mailing address: | |

| Primary Contact | |
|--------------------------|-------------------------|
| Name: | April Thomas |
| Email Address: | april.thomas@gdc.ga.gov |
| Telephone Number: | 770-932-4581 |

| Warden/Jail Administrator/Sheriff/Director | |
|---|-------------------------|
| Name: | Shay Hatcher |
| Email Address: | shay.hatcher@gdc.ga.gov |
| Telephone Number: | 770-932-4501 |

| Facility PREA Compliance Manager | |
|---|-------------------------|
| Name: | April Thomas |
| Email Address: | april.thomas@gdc.ga.gov |
| Telephone Number: | O: (770) 932-4581 |

| Facility Health Service Administrator On-site | |
|--|----------------------------|
| Name: | Mary Rankin |
| Email Address: | mhenton-rankin@augusta.edu |
| Telephone Number: | 770-932-4541 |

| Facility Characteristics | |
|--|--------------------------------------|
| Designed facility capacity: | 918 |
| Current population of facility: | 845 |
| Average daily population for the past 12 months: | 860 |
| Has the facility been over capacity at any point in the past 12 months? | No |
| Which population(s) does the facility hold? | Males |
| Age range of population: | 18-78 |
| Facility security levels/inmate custody levels: | minimum, medium, close ,work release |
| Does the facility hold youthful inmates? | No |
| Number of staff currently employed at the facility who may have contact with inmates: | 187 |
| Number of individual contractors who have contact with inmates, currently authorized to enter the facility: | 30 |
| Number of volunteers who have contact with inmates, currently authorized to enter the facility: | 0 |

| AGENCY INFORMATION | |
|--|--|
| Name of agency: | Georgia Department of Corrections |
| Governing authority or parent agency (if applicable): | |
| Physical Address: | 300 Patrol Rd., Forsyth, Georgia - 31029 |
| Mailing Address: | |
| Telephone number: | (478) 992-5374 |

| Agency Chief Executive Officer Information: | |
|---|-------------------------|
| Name: | Timothy C. Ward |
| Email Address: | Timothy.Ward@gdc.ga.gov |
| Telephone Number: | |

| Agency-Wide PREA Coordinator Information | | | |
|--|----------------|-----------------------|---------------------------|
| Name: | Grace Atchison | Email Address: | grace.atchison@gdc.ga.gov |

AUDIT FINDINGS

Narrative:

The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-audit, on-site audit, and post-audit phases: documents and files reviewed, discussions and types of interviews conducted, number of days spent on-site, observations made during the site-review, and a detailed description of any follow-up work conducted during the post-audit phase. The narrative should describe the techniques the auditor used to sample documentation and select interviewees, and the auditor's process for the site review.

Methodology:

The PREA Audit of Phillips State Prison and the Phillips Transitional Center was a comprehensive process beginning with communications via email with the agency's PREA unit and the facility's PREA compliance managers prior to the on-site audit. These communications included both phone calls and emails.

The PREA audit of Phillips State Prison and Phillips Transitional Center was conducted 3/8/21 thru 3/12/21. The Georgia Department of Corrections (GDOC) operates the Phillips State Prison and the Phillips Transitional Center. The Phillips State Prison and the Phillips Transitional Center hereinafter may be referred to as facility.

The auditor uses a triangular approach, by connecting the PREA audit documentation, on-site observation, site review of the entire facility and complex, determination of facility practice, interviewed staff and inmates, local and national advocates, etc. to make determinations for each standard. Each standard and/or provision is designed with documentation reviewed, PREA Audit: Pre-Audit Questionnaire, overall findings, and interview results.

The auditor is using the stylistic rules for the Field Training Program (FTP) Auditor Trainee Report Writing Reference Manual as best practices.

Site Review Location:

The site review for this audit took place at Phillips State Prison and the Phillips Transitional Center located at 2989 W. Roc Quarry Road, Buford, Georgia 30519. The auditor conducted pre-audit work prior to arrival at the facility.

Pre-Audit Preparation:

Agency/Facility Housing Inmates For:

- Georgia Department of Corrections (GDOC)

Georgia Department of Corrections Prison Review:

Note: The following information is directly from the GDOC website.

The Georgia Department of Corrections (GDC) maintains a zero-tolerance policy regarding sexual abuse and harassment of inmates within the agency's 35 state prison facilities, 13 transitional centers, 14 centers (this includes PDC's, RSAT's and ITFs), 21 county correctional institutions and four private prisons, and one private transitional center.

State prisons house violent, repeat, or nonviolent offenders who have exhausted all other forms of

punishment. Judges may sentence offenders directly to prison or offenders may be sent to prison as a result of revocation proceedings.

Offenders have access to classes and other services that allow them to reenter society successfully.

Diagnostics and Classification: Offenders are assigned to a security level by the Next Generation Assessment (NGA), which utilizes factors that include the offender's sentence, nature of the crime, criminal history, history of violence, medical and treatment risks and needs. The classification levels are as follows:

- Close Security: These offenders are escape risks, have assaultive histories, and may have detainers for other serious crimes on file. (A detainer is a request by another law enforcement agency to hold an offender pending other charges or actions). These offenders never leave the prison and require supervision at all times by a correctional officer.
- Medium Security: This level represents the largest category of offenders. These offenders have no major adjustment problems and most may work outside the prison fence, but must be under constant supervision.
- Minimum Security: These offenders tend to abide by prison regulations, present a minimal risk of escape, and have been judged to be a minimal threat to the community. Minimum security offenders are eligible for transitional centers.

Georgia Department of Corrections 2019 Annual Report Summary:

Note: The following information is directly from the GDOC 2019 report.

Total Allegations: During calendar year 2019, there were 1,468 PREA allegations reported at the GDC operated and contracted facilities. Of those 1,468 allegations, 800 (54%) were unsubstantiated; 492 (34%) were unfounded; 119 (8%) were deemed not PREA; 57 (4%) were substantiated; and none are pending investigation.

Total Allegations by Type: During calendar year 2019, there were 1,468 PREA allegations reported at GDC operated and contracted facilities. Of those 1,468 allegations, 404 (28%) were Staff-to-Inmate Harassment; 252 (17%) were Staff-to-Inmate Abuse; 411 (28%) were Inmate-to-Inmate Harassment; and 401 (27%) were Inmate-to-Inmate Abuse. There is a less than 1% total difference between S/I Harassment and I/I Harassment.

2019 Substantiated Allegations: During calendar year 2019, there were 1,468 PREA allegations reported at the GDC operated and contracted facilities. Of those 1,468 allegations, 57 were deemed substantiated; 2 (3%) were Staff-to-Inmate Harassment; 17 (29%) were Staff-to-Inmate Abuse; 17 (28%) were Inmate-to-Inmate Harassment; and (39%) were Inmate-to-Inmate Abuse.

Staff-to-Inmate Abuse Incidents: In all 17 substantiated cases of staff-to-inmate abuse, both administrative and criminal investigations were conducted. All criminal investigations are forwarded to the appropriate District Attorney (DA) for review/prosecution.

Sexual Activity: 100% (14 of 14) were forwarded to DA for review. 100% (14 of 14) were terminated or resigned employment.

Inappropriate Touching/Contact/Exposure/Threats: 66% (2/3) were forwarded to DA for review. 33% (1/3) were retrained on effective communication. 66% (2/3) were terminated or resigned from employment.

Staff-to-Inmate Harassment: In both substantiated cases of staff-to-inmate harassment, disciplinary actions were taken at the facility level against the staff members involved.

Inmate-to-Inmate Sexual Harassment: In all 16 cases of Inmate-to-Inmate Sexual Harassment, housing changes were made where necessary, to ensure the safety of the victim.

Inmate-to-Inmate Sexual Abuse: In all 22 cases of Inmate-to-Inmate Abuse, both an administrative and criminal investigation was conducted. Those inmates found guilty of Inmate-to-Inmate Abuse were not only subject to administrative disciplinary sanctions, but those whose cases had enough evidence for prosecution were forwarded to the appropriate District Attorney for review.

Rape: There are 13 substantiated abuse cases that are rape-related. 100% of these been forwarded to the DA to review for prosecution.

Inappropriate Touching: In the nine inappropriate touching cases, the aggressor was subject to administrative sanctions through the disciplinary process. Offender housing changes were made as necessary to ensure the safety of the victim.

Ombudsman and Inmate Affairs

The mission of the Ombudsman and Inmate Affairs Units is to promote fairness, accountability and integrity by investigating public and offender grievances, appeals, and inquiries regarding unfair practices and non-compliance of policy. They accomplish that task by investigating allegations of violations of GDC policies and procedures, monitoring problems in the correctional system in a fair and consistent manner and addressing offender and general public concerns in an unbiased, impartial, and courteous manner.

Audit Notice Posting:

During the pre-audit period, the facility received instructions to post the required PREA Audit Notice of the upcoming audit prior to the on-site visit for confidential communications was sent on November 17, 2020.

The facility posted the notices in English and Spanish. The auditor received an email, pictures confirming the posted notices and observed the posted notices on-site.

The purpose of the posting of the PREA Audit Notice is to allow anyone with a PREA issue or concern, or an allegation of sexual abuse or sexual harassment to correspond, confidentially, with the Certified PREA auditor. During the onsite PREA audit, notices of PREA audit were observed posted everywhere in the facility; in every living unit and area of the prison, and in the education areas.

Confidential Communications:

As of 3/8/21 the certified auditor has received one inmate letter and one third-party email regarding inmates housed at the Phillips State Prison and no communication from any staff member.

Pre-Audit Questionnaire (PAQ):

To prepare for the audit process, the auditor corresponded and communicated with the agency PREA coordinator and facility PREA compliance manager. The online Pre-Audit Questionnaire was completed and made available and accessible to the auditor, as required, through the online system process. As a part of the on-site visit, the auditor requested that the facility PREA compliance manager review and revise the online Pre-Audit Questionnaire to reflect updated information to include the current population.

The auditor completed a documentation review using the online Pre-Audit Questionnaire, website review,

a review of policies and procedures sent from the agency headquarters, and additional documentation provided. Phone conversations and email exchanges occurred with the facility PREA compliance manager.

The following documents were requested prior to the on-site visit:

Facility List/Rosters Based on the past 12 months.

- List of inmates by housing units
- List of disabled inmates (hearing impaired, visually impaired)
- List of inmates with physical disability (ies)
- List of non-English speaking inmates (LEP)
- List of on-site interpreters
- List of new employees (past 12 months)
- List of SANEs nurses (ALL)
- List and documentation that inmates have seen the designated facility-based staff advocate.
- List of gay and bisexual inmates
- List of inmates who reported a history of or prior victimization in the initial PREA screening at intake
- List of transgender or intersex inmates (All)
- List of inmates who reported sexual abuse at this facility
- List of inmates in Administrative/Segregation 30 days PREA related
- List of inmates that request consular notification (All)
- List of inmates Offender's Decision Concerning Optional Consular Notification
- List of inmates detained solely for civil immigration purposes
- List of inmates received PREA related protection custody
- List of inmates in Administrative/Segregation for being at high risk for victimization
- List of staff resigned or terminated and documentation for PREA related Issues
- List of staff reported to licensing boards following termination
- List of contractors reported to law enforcement or relevant licensing bodies
- List of volunteers reported to law enforcement or relevant licensing bodies
- List of inmates that received PREA related disciplinary sanctions
- List of inmates that received PREA outside related services

Website Reviews:

Prior to the onsite portion of the audit, the auditor conducted a review of the facility/agency website. The reviewed content included, but was not limited to:

- 2019 Annual PREA Report
- Video Library on YouTube
- Visitation Update
- Agency Mission, Vision and Core Values
- Fact Sheet – Close Security Facilities
- Fact Sheet – Medium Security Facilities

Agency/Facility Policies, Attachments, SOPs and LOPs

- GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program
- GDC Policy 226.1 Searches
- GDC Professional Reference Check, IV003-0001, Attachment 5
- SOP 103.10 Evidence Handling and Crime Scene Processing

- SOP 103.06 Investigations of Allegations of Sexual Contact, Sexual Harassment of Offenders
- GDC Policy VH07-001 Health Services, E, Medical Services Deemed Necessary Exempt from Fee
- GDC Policy 208.06, 2. Offender Grievances
- SOP 227.02 Statewide Grievance Procedures
- GDC Policy IIA23-0001, Consular Notification
- LOP – “PREA Reporting Process”
- GDC 208.6 Sexual Abuse Response Checklist, Attachment 6
- GDC Notification Form, Attachment 5
- GDC Policy 104.12 Fingerprinting Employees
- GDC Policy 104.18 Obtaining and Using Records for Criminal Justice Employment
- GDC Policy 104.18 Attachment 1 – Criminal/Driver History Consent Form
- GDC Policy 104.65 Attachment 2 – Notice of Termination
- GDC Policy II07-0011 (205.09) Attachment 2 – GCIC/NICIC Consent Form
- GDC Policy 208.07, Bodily Privacy (Announcing Staff Presence)
- GDC Policy 209.01, Offender Discipline
- GDC Policy 209.06, Administrative Segregation
- GDC Policy 208.6., IV.d.3 (a-d) Administrative Segregation
- GDC Policy 209.07 Attachment 5 – Segregation 30 Day Review Memo
- GDC Policy 209.07 Attachment 5 – Administrative Segregation: Tier II Program 90 Day Review
- GDC Policy 211.05, Procedures for Housing Offenders Under 18 Years of Age (Juvenile) In GDC Custody
- GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders
- GDC Policy 220.09 Attachment – Statewide Classification Committee (SCC) Referral Form (Intersex/Transgender)
- GDC Policy 220.09 Attachment – PREA Standards and Information Related to Transgender/Intersex Offenders
- GDC Policy 103.63, Americans with Disabilities Act (ADA, Title II Provisions
- SOP 506.08 Attachment 1 – Background Check Verification Form
- SOP 506.08 Attachment 2 – Background Check Verification Form – Multiple Employees
- SOP 109.01 Attachment 9 – Background Screening Packet for Volunteers
- SOP 220.04 Attachment 1 – Offender Orientation Checklist
- SOP 220.03 Attachment 10 – Facility Stratification Plan
- SOP 220.03 Attachment 14 – Facility Operational Manual #36 – PREA Compliance Process
- GDC Policy 220.04, Offender Orientation
- GDC Policy 508.17, Identification of Offender with a History of Physical or Sexual Abuse
- GDC Policy 508.14, Mental Health Reception Screen
- SOP 508.14 Attachment 1 – Mental Health Reception Screen Form
- SOP 508.14 Attachment 2 – Diagnostic Referral Log
- SOP 508.15 Attachment 1 – Mental Health Evaluation for Services

On-Site Audit Phase:

Entrance Conference:

By prior arrangement the auditor arrived at the facility in the morning on 3/8/21. Processing through the main gate included providing identification, signing in, and going through the metal detector, while the auditor’s equipment and belongings went through the x-ray machine.

The auditor was met by the facility PREA compliance manager. Following a brief meeting then with the

warden and PREA compliance manager to discuss the process the entrance conference was held.

The Phillips State Prison entrance conference was held and attended by:

- Adam Barnett, USDOJ Certified PREA Auditor
- Jeffrey Bright, PREA Associate
- April Thomas, Unit Manager
- Rhonda Billings, Deputy Warden of Care and Treatment
- Grace Atchison, Agency PREA Coordinator
- Shay Hatcher, Warden
- Casey Felton, Deputy Warden of Security
- Stan Shepac,

Welcome was given by the facility warden and facility PREA compliance manager. The auditor introduced himself and provided a brief description of his experiences, qualifications, correctional, and auditing background. The auditor introduced associate Dr. Jeffrey Bright and provided a brief description of his experiences and qualifications. Dr. Bright currently serves as director of the Milledgeville Youth Development Campus for the Georgia Department of Juvenile Justice in the Division of Secure Facilities.

The auditor explained the onsite role of Dr. Bright as:

1. Conducting interviews with inmates.
2. Conducting interviews with correctional officers.
3. Conducting interviews with some specialized staff.
4. Conducting interviews with advocacy organizations.

The second associate is Robert Lanier, President of Diversity Correctional Services, and LLC. Mr. Lanier was a DOJ Certified Auditor in the past.

The auditor explained the off-site role of Mr. Lanier as:

1. Discussing agency and facility documentation.
2. Conducting agency interviews.
3. Assisting with administrative/prep work
4. Ensuring final report meets the PREA resource recommended guidelines.

The auditor provided an overview of the expectations during the onsite audit and transparency to discuss any identified issues or concerns. The auditor established a process to make corrections on site and if necessary, post onsite follow ups.

The audit agenda was reviewed and discussed, to include resident population based on 1st day of the on-site audit, as well as the 2nd, and 3rd day planned activities.

The auditor requested an updated list of all staff work schedules during the on-site visit, sorted by shift. The facility operates two 12-hour shifts. The auditor provided the facility with a list of random and specialized staff and random and target inmates who would be interviewed.

The Phillips Transitional Center entrance conference was held and attended on 3/11/2021:

- Adam Barnett, USDOJ Certified PREA Auditor
- Jeffrey Bright, PREA Associate
- J. Kevin Perry, Superintendent

- Verona Bialy, Assistant Superintendent
- Susie Jackson, Chief of Security
- Janie Wilks, Counselor II
- Betty Green, Counselor II
- Emiel D. Williams, Employment Specialist III

Welcome was given by the facility superintendent. The auditor introduced himself and provided a brief description of his experiences, qualifications, correctional, and auditing background. The auditor introduced associate Latera Davis.

The auditor explained the onsite role of Latera Davis as:

5. Conducting interviews with inmates.
6. Conducting interviews with correctional officers.
7. Conducting interviews with some specialized staff.
8. Conducting interviews with advocacy organizations.

The second associate is Robert Lanier, President of Diversity Correctional Services, and LLC. Mr. Lanier was a DOJ Certified Auditor in the past.

The auditor explained the off-site role of Mr. Lanier as:

5. Discussing agency and facility documentation.
6. Conducting agency interviews.
7. Assisting with administrative/prep work
8. Ensuring final report meets the PREA resource recommended guidelines.

The auditor provided an overview of the expectations during the onsite audit and transparency to discuss any identified issues or concerns. The auditor established a process to make corrections on site and if necessary, post onsite follow ups.

The audit agenda was reviewed and discussed, to include resident population based on 4th day of the on-site audit, as well as the 5th day planned activities.

The auditor requested an updated list of all staff work schedules during the on-site visit, sorted by shift. The facility operates two 12-hour shifts. The auditor provided the facility with a list of random and specialized staff and random and target inmates who would be interviewed.

Facility Site Review:

On the first day of the audit after the entrance conference, the auditor conducted a comprehensive site review of the entire facility and facility complex. The auditor asked that when he paused to speak to an inmate or staff, that staff accompanying the auditor step away so the conversation might remain private. This request was well respected.

Phillips State Prison

Site review of entire facility the site review of the Phillips State Prison begins at the Front Gate House where staff and visitors process in by showing photo identification, going through a metal detector and having their personal items searched for contraband.

The administration is typical of most prisons and houses administrative offices, Windows in the offices

facilitate viewing. Starting down the walk outside the admin area is the staff dining area, mental health, counselor's offices, Intake and Medical. Offices have windows to facilitate viewing inside the offices.

The Intake Area is where newly arriving and inmates returning from other prisons, appointments etc. are processed in. Inmates are provided information related to PREA during intake. They also shower there. There are two (2) shower heads, however staff and inmates related that the inmates shower one at a time. There are curtains on the showers to provide privacy for the showering inmate.

The ID office maintains a board identifying all the inmates in the prison and their dorm assignments. Photo identification cards are on each numbered hook representing each cell in a specified dorm. Color coded dots identify special concerns or cautions regarding the inmates. One color code may indicate gang affiliation while another may identify the inmate as a potential victim or potential aggressor. This board provides a visual, easily accessible, enabling staff assigning housing to ensure a victim is not "bunked" with an aggressor.

The education component of the facility is replete with windows facilitating viewing and mirrors to mitigate blind spots. The trades area consists of the Auto Body Shop; Mechanic Shop; and Maintenance. There is a male officer on duty in these areas. There are no cameras in the body shop or the mechanic shop, however a mirror is used to mitigate blind spots.

In the maintenance shop, there is an office with glass all around to facilitate viewing in the area. There is a camera in this unit and one on the tool room, covering entrance and exit from that room. The dining hall has a total of five (5) cameras in it to supplement staff in supervising and monitoring inmates working there. There is a camera in the dishwasher area, two in the food preparation area and one on the wall in back. There are wire cages for storage areas that enable viewing inside the area. There are windows to facilitate viewing into the cooler and windows in the meat prep room cooler. All the coolers have padlocks on them and all of them were observed to be secured. The food services office is designed with "wrap around" windows enabling viewing a wide range of areas inside the kitchen.

The gym has a camera on each end. Offices in the gym have windows enabling viewing.

A Building, A-1 has two tiers with a total capacity of 58 inmates in each dorm/range. Inside A-1 two (2) Phones were observed. There is a KIOSK enabling inmates to email the GDC PREA Unit or anyone else on their approved list. There are found (4) cameras in A-1. There are two single occupancy showers on the upper and lower tiers.

A-2, is designed like A-1 and has a total capacity of 58 on the upper tier and 58 on the lower tier. KIOSK, two PREA Phones, PREA Posters and Tablets were observed in the dorm.

B-1 has two-man cells, with 12 cells on the bottom range and 13 on the top. Equipment and furnishings are the same as the other dorms. B-2 is of the same design as B-1 and houses the Faith Based inmates.

C-1 Building serves as Administrative Segregation. There are 12 single cells on the lower tier and 13 on the upper tier. There are two showers. This unit may be used to house Protective Custody inmates in single cells. C-2 is configured the same as C-1.

D-1 serves mentally ill residents in supportive living, Level IV. The dorm has a capacity of 25. Phones and KIOSK was observed as were PREA Phones and PREA related posters. D-2 Serves as Administrative Segregation and serves Level II and IV, mental health inmates with a capacity of 25. Cells are single occupancy but can be capable of double bunking. The dorm is equipped and furnished like D-1 and has a KIOSK and PREA phones as well as PREA related posters. There are two showers on the top tier and

two on the lower tier. Residents in administrative segregation, according to staff, have access to the phones, to the store, to their counselors, to medical and sick call (medical has a station here), the library and recreation. If an inmate is in an educational program, the work may be brought to the inmate by the education staff.

E-1 is a special living unit for Level IV Mental Health inmates. There are 25 single cells in the unit. Two showers are on the upper range and two on the lower range. Privacy while showering is provided by curtains. There are PREA Phones in the unit; a KIOSK, and PREA Related Posters. The unit is covered by four (4) cameras. E-2, configured the same as E-1, houses 25 special living unit inmates.

F-1 provides acute care, impulse control and supportive living. This post is gender specific because inmates may be in view of staff while on the commode as a result of their being on "special watch" conditions. Inmates have access to phones and the KIOSK for reporting. F-2 Houses Mental Health Level IV inmates in single cells with two showers on the upper tier and two showers on the lower tier. Inmates have privacy while showering.

G-1 Houses Level III Mental Health inmates and has a capacity of 50 inmates, with 24 on the lower tier and 26 on the top tier. Like the other dorms there are two showers on the lower and two showers on the upper tiers. G-2 is configured the same as G-1 and houses Level III Mental Health inmates. Phones, KIOSK and PREA related posters were observed in the unit.

H-1 is a general population and Level II, Outpatient, dorm, designed like the other dorms with 12 double occupancy cells on the lower tier with 13 double occupancy cells on the top range. There were two showers with curtains on the upper and lower tiers. PREA Phones, PREA posters and KIOSK were observed in the unit. H-2 is a general population dorm housing a total of 58 inmates. Other furnishings, equipment and POSTERS were the same as in the other dorms.

J-1 and J-2 are General Population Dorms with a capacity of 58 on the upper and 58 on the lower ranges. Furnishings, equipment and POSTERS were the same as the other units.

K-1 and K-2 are General Population Dorms, configured and furnished like the other dorms houses a capacity of 58 on each range.

Phillips Transition Center

The transition center is housed in four buildings on the same property as the Phillips State Prison. At the entrance to the facility, visitors and staff walk through a metal detector and provide photo id. The Transition Center has no cameras because of the security level and priority of the program relative to the prisons and their needs but has been proactive in mitigating blind spots by installing 19 mirrors making visibility in blind spot areas more visible.

The facility consists of four (4) buildings. These include the Main Control/Resident Living Unit, Administrative Building, Education/Program Building and a "shakedown Shack". Main Control is staffed by one sergeant and two (2) correctional officers 24/7. The two officers are consistently making rounds in the dorms and throughout the facility 24/7. The control room is situated enabling staff to see in each of the four (4) dorms. There are no cameras in the dorms. Three dorms house 48 residents and one dorm houses 60. Dorms are "open bay" design with inmates sleeping on bunk beds. Dorms are essentially the same construction and design and include, in addition to the living area, a restroom/shower area on each side of the dorm.

The restroom/shower area on one side has two toilets separated by half walls restricting viewing to the

head of the inmates using the toilet and showers that are recessed behind half walls restricting viewing. The other side of the dorm has a restroom/shower area containing two toilets separated by half walls and shower areas recessed to restrict viewing. These may contain as many as four shower heads, however inmates consistently said they shower one at a time rather than multiple occupants in the shower at one time.

PREA related posters are observed in the living units and throughout the facility as are PREA Phones with dialing instructions for contacting the GDC PREA Unit. When a female enters the living unit, she is required to announce that a female is on the unit.

Medical is manned by two nurses Monday through Friday. A physician assistant works Friday's. There is an on-call doctor's list to be contacted as situations arise that may need medical attention.

Administrative Offices: there are six (6) offices, manned Monday through Friday, excluding holidays. Long term maintenance inmates service this area providing janitorial services under constant supervision. Mirrors are used in the administrative area to mitigate blind spots.

The kitchen area is primarily for serving because food is prepared by the Phillips State Prison and brought to the Transition Center. There are no dry storage areas in the kitchen area. There is a mirror in the dining area.

The Visitation/Laundry Area has no camera coverage but is monitored by the use of mirrors. The area is also monitored by security staff who are required to make rounds constantly. The laundry area observed in the administrative building had glass windows and a mirror at the door.

The Chemical Building is adjacent the kitchen and in the back on the rec yard. It is manned by one security/sanitation officer Monday through Friday. Offenders assigned to this area are required to be under constant supervision by the sanitation officer.

Education/Program Building has two classes and consists of wide-open space and windows facilitating viewing. The facility has one teacher. The building itself is used for educational purposes, religious services, and AA Meetings and other programs. There are no cameras in this area, but mirrors are used to mitigate blind spots. A security staff is required to monitor all activity of the building when being used for education, religious services, or other programs.

The "Back Gate" is the area where all offenders enter and exit the Center. Offenders returning to the center are to be strip searched, one offender at a time. Each shift is staffed with a sergeant and two roving correctional officers.

The PREA standards require the auditor to tour the facility to verify compliance with the standards. The following areas/locations were visited and observed.

- Facility physical design
- Cameras and surveillance technology deployment
- Observe for blind spots
- Notices of the PREA Audit posted in English and Spanish

The following staff accompanied the auditor on facility site review and responded to the auditor's questions concerning PREA and the facility operations:

Phillips State Prison:

- Adam Barnett, USDOJ Certified PREA Auditor

- Grace Atchison, Agency PREA Coordinator
- April Thomas, Unit Manager
- Rhonda Billing, Deputy Warden of Care and Treatment

Phillips Transitional Center:

- Adam Barnett, USDOJ Certified PREA Auditor
- Bialy Vernon, Assistant Superintendent
- J. Kevin Perry, Superintendent

Staff Interviewed:

The auditor conducted interviews with the following agency leadership staff, and are counted in the totals. Below are the staff interviewed previously, either written, by the lead auditor, associate, on-site, and by telephone:

Agency Staff Interviewed:

- Agency Head – Designee = 1
- Agency PREA Coordinator = 1
- Director of Training/Public Safety Trainer III = 1
- Inspector (Criminal Investigation Division) = 1
- Director of Operations = 1
- Assistant PREA Coordinator = 1
- Director of Chaplaincy Services = 1
- Statewide Volunteer Coordinator = 1
- Total Specialized Staff Interviews = 8

On the first day of the audit the facility reported total number of staff was 343 to include 7 part-time and 58 contractors.

The auditor or the associate conducted the following staff interviews on-site or via phone.

Phillips State Prison Staff:

Facility Staff Interviewed:

- Random Staff = 16
- Specialized Staff = 22
- Total Specialized Staff Interviews = 38

Breakdown of Specialized Staff Interviews:

- Warden = 1
- Facility PREA Compliance Manager = 1
- Staff on the Sexual Abuse Incident Review Team = 1
- Intermediate or Higher-Level Facility Staff Responsible for Conducting Unannounced Rounds = 1
- Medical Staff = 1
- Mental Health Staff = 1
- Non-Medical Staff Involved in Cross-Gender Strip or Visual Searches = 1
- Non-Security Staff First Responder = 1
- Administrative (Human Resources) Staff = 1

- Sexual Assault Nurse Examiner (SANE) = 1
- Contractors who Have Contract with Inmates = 1
- Investigative Staff Responsible for Conducting Administrative = 1
- Staff who Perform Screening for Risk of Victimization and Abusiveness = 1
- Staff who Supervise Inmates in Segregated Housing/Inmates in Isolation = 1
- Security Staff First Responder = 1
- Non-Security Staff First Responder = 1
- Intake Staff = 1
- ID Officer = 1
- Staff Designated to Monitor Retaliation = 1
- Mail Room Officer = 1
- Food Service Staff = 1
- Recreation Staff = 1

Interviews with random and specialized staff confirmed that the facility's staff understood the agency's position regarding the Prison Rape Elimination Act (PREA). Random and specialized staff were all knowledgeable about their roles in the prevention, reporting, and detection of sexual abuse and sexual harassment, and their responsibilities in the event of a PREA related incident, particularly as a first responder.

Phillips Transitional Center Staff:

Facility Staff Interviewed:

- Random Staff = 12
- Specialized Staff = 9
- Total Specialized Staff Interviews =21

Breakdown of Specialized Staff Interviews:

- Superintendent and Incident Review Team = 1
- Facility PREA Compliance Manager = 1
- Intermediate or Higher-Level Facility Staff Responsible for Conducting Unannounced Rounds = 1
- Mental Health Staff = 1
- Non-Medical Staff Cross-Gender Strip or Visual Searches and Non-Security First Responder = 1
- Investigative Staff Responsible for Conducting Administrative and Criminal Investigations -Facility = 1
- Staff who Perform Screening for Risk of Victimization and Abusiveness = 1
- Security Staff First Responder = 1
- Intake Staff = 1

Interviews with random and specialized staff confirmed that the facility's staff understood the agency's position regarding the Prison Rape Elimination Act (PREA). Random and specialized staff were all knowledgeable about their roles in the prevention, reporting, and detection of sexual abuse and sexual harassment, and their responsibilities in the event of a PREA related incident, particularly as a first responder.

Phillips State Prison Inmates:

Inmates Interviewed:

On the first day of the audit, the facility's designated capacity was 981. The number of inmates housed

during the first day of the audit was 843. The auditor conducted the following resident interviews during the on-site phase of the audit:

- Random Inmates = 19
- Targeted Inmates = 11
- Inmates Informally Interviewed During Facility Tour = 12
- Total Inmates Interviewed = 42

Breakdown of Targeted Resident Interviews

- Inmates who Identify as Transgender or Intersex = 3
- Inmates who Identify as Lesbian, Gay, or Bisexual = 2
- Inmates who Reported Sexual Abuse while at this Facility = 3
- Inmates who Disclosed Prior Sexual Victimization During Risk Screening = 1
- Inmates who are Limited English Proficient (LEP) Spanish = 1
- Inmates with Physical Disability = 1

All inmates that were formally interviewed were asked the required random interview questions provided by the National PREA Resource Center. A total of 30 inmates were formally interviewed and 12 inmates were informally interviewed during the facility site review.

Inmates were respectful and cooperative with auditor and the associate auditor. All inmates wore masks and maintained social distancing practices during the formal interviews. The inmate's uniforms were clean, and their hygiene satisfactory.

Interviews with inmates revealed that they understand PREA safeguards and the facility's zero-tolerance policy. Comprehensive resident PREA education is provided in written form during resident orientation, and through the handbook, tablet, kiosks, personal instruction, videos, and posters.

Phillips Transitional Center Residents:

Inmates Interviewed:

On the first day of the audit, the facility's designated capacity was 203. The number of inmates housed during the first day of the audit was 116. The auditor conducted the following resident interviews during the on-site phase of the audit:

- Random Inmates = 12
- Targeted Inmates = 3
- Inmates Informally Interviewed During Facility Tour = 5
- Total Inmates Interviewed = 20

Breakdown of Targeted Resident Interviews

- Inmates who Identify as Transgender or Intersex = 0
- Inmates who Identify as Lesbian, Gay, or Bisexual = 1
- Inmates who Reported Sexual Abuse while at this Facility = 0
- Inmates who Disclosed Prior Sexual Victimization During Risk Screening = 2
- Inmates who are Limited English Proficient (LEP) Spanish = 0
- Inmates with Cognitive Disability = 0
- Inmates who are Blind, Deaf, or Hard of Hearing = 0
- Inmates with Physical Disability = 0

All inmates that were formally interviewed were asked the required random interview questions provided by the National PREA Resource Center. A total of 30 inmates were formally interviewed and 12 inmates were informally interviewed during the facility site review.

Inmates were respectful and cooperative with auditor and the associate auditor. All inmates wore masks and maintained social distancing practices during the formal interviews. The inmate's uniforms were clean, and their hygiene satisfactory.

Interviews with inmates revealed that they understand PREA safeguards and the facility's zero-tolerance policy. Comprehensive resident PREA education is provided in written form during resident orientation, and through the handbook, tablet, kiosks, personal instruction, videos, and posters.

Advocacy Organizations:

The PREA auditor's manual, pages 37 and 38, requires the auditor to conduct outreach to relevant national and local advocacy organizations and to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility. The following national advocacy, State, and/or community advocacy organizations were contacted.

- Just Detention International (JDI) – is a health and human rights organization that seeks to end sexual abuse in all forms of detention. Founded in 1980, JDI is the only organization in the U.S. – and the world – dedicated exclusively to ending sexual abuse behind bars. They hold government officials accountable for prisoner rape; challenge the attitudes and misperception that enable sexual abuse to flourish; and make sure that survivors get the help they need.

Contact: Just Detention International (JDI) / Wilshire Blvd., Suite 340 Los Angeles, CA 90010 / Email sent: 1/18/21 at 12:54 pm.

- National Sexual Violence Resource Center (NSVRC) – is the leading nonprofit in providing information and tools to prevent and respond to sexual violence. NSVRC translates research and trends into best practices that help individuals, communities and service providers achieve real and lasting change. NSVRC also work with the media to promote informed reporting.

Contact: National Sexual Violence Resources Center (NSVRC) /2101 N. Front Street Governor's Plaza North, building #2 Harrisburg, PA 17110 / Email sent: 1/18/21 at 12:56 pm.

- SART Sexual Assault Response Team – The SART Sexual Assault Response Team is contracted by the Georgia Department of Corrections to provide SANE and advocacy services to all facilities. The contract was initiated in 2012.

Contact Number: 912-584-8743 / 5567 Drusilla Lane, Waycross, Georgia 32591 / Contact via phone call on 1/18/21 at 10:10 am verified SANE and Advocacy Services.

- Georgia Network to End Sexual Assault (GNESA) – This organization was founded in 1982 as a loose network by the seven existing sexual assault centers in Georgia. The network helped the centers develop into viable entities. As the network grew, the member centers recognized the need for a central office. Therefore, in late 1997, GNESA incorporated as a non-profit organization, secured office space, hired its first staff members, and started to expand its programs. Current membership includes sexual assault centers, several supporting organizations, and individual members.

GNESA is a non-profit coalition of sexual assault agencies and concerned individuals that share the

common goal of ending sexual assault. GNESEA envisions a society free from sexual violence and functions as a collective voice for reducing the threat and mitigating the effects of sexual assault in the state of Georgia. GNESEA coordinates and supports a multidisciplinary approach to public and professional education, advocacy, and support for sexual assault centers and services providers.

Contact: info@gnesa.org / Email sent: 1/18/21 at 12:01. An interview with the President and CEO indicated that Georgia Department of Corrections submitted a support letter to GNESEA for grant funding from the Violence against Women's Act (VAWA) grant proposal for a new statewide position Director of Advocacy and PREA.

- Gwinnett Sexual Assault Center: There is a Memorandum of Understanding between Gwinnett Sexual Assault Center, Inc. (GSAC) and Phillips State Prison to facilitate an agreement between the parties for services related to the goals and implementation of federal Prison Rape Elimination Act (PREA) mandates.

Gwinnett Sexual Assault Center, Inc. is a Georgia Criminal Justice Coordinating Council certified sexual assault victim assistance agency and a member of the Rape, Abuse & Incentives National Network (RAINN).

GSAC and Phillips State Prison are working together to identify the specific needs of Phillips State Prison and outline an appropriate and effective response that comports with PREA and aids Phillips State Prison in compliance of same.

GSAC agrees to:

- Respond to requests from Phillips State Prison official or inmates/residents for victim advocacy services such as: responding to GSAC Crisis Line calls; providing crisis intervention and information/community referrals; respond to correspondence received at the GSAC Post Office Box 1329 Duluth, GA 30096.

- Communications will be in as confidential a manner as possible, pursuant to the Phillips State Prison policies and procedures, Georgia law and mandatory reporting laws.

- Communicate any questions or concerns to the Phillips PREA coordinator.

- Provide training to Phillips State Prison Staff.

The auditor sought the following information from the local and/or national advocacy organizations to include, but not limited to:

- Does your organization provide emotional support services to Inmates?
- Does the facility use your organization for residents reporting PREA issues?
- How many SAFE or SANE referrals did the organization received in the last 12 months?
- Can the inmates remain anonymous, upon request, when making a report?
- Who does the organization notify at the facility regarding reports?
- How many reports has the organization received in the past 12 months for advocacy services?
- How many inmates reported sexual abuse and/or sexual harassment?
- Who is your contact at the facility?
- Is there any additional information you would like to share regarding this facility?

Documentation Reviewed:

- Transgender and Intersex seven (7) months Reassessments
- Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months -

Phillips State Prison.

- o PREA Investigative Summaries – 29
- o PREA Disposition Offender Notifications - 30
- o Sexual Abuse Incident Review Checklist (30 days Review) -20
- o Sexual Allegation Response Checklist - 27
- o SART Investigation Checklist – 17
- o PREA Initial Notifications – 29
- o Incident Reports – 33
- o Refusal of Treatment Against Medical Advice Document – 1
- o Offender Grievance (PREA Related) – 1
- o SART Report Consent (SANE) – 4
- o Supplement Reports – 32
- o Use of Force/Serious Incident Reports – 32
- o Witness Statements – 32
- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

- Investigation Packages – Phillips Transitional Center (None)

- Agency/Facilities Polices, Attachments, SOPs and LOPs
- Facility Stratification Plan - 2020
- Staff Plan - 2020
- Logbooks – Documentation of Unannounced Rounds
- Referrals to Mental Health
- Medical PREA Log of Number SANE Notified
- Medical PREA Log of Number Scheduled SANE Exams – 12 Months
- Documentation of inmates seen by facility-based advocate
- Staff Victim Advocate Certificates
- Staff PREA Training Certificates
- Staff PREA Acknowledgement Statements
- Day 1 In Services Certificates of Training or the Training Rosters
- Certificate's documenting NIC Training Communicating Effectively with LGBTI Offenders
- Contractors PREA Training Acknowledgement Statements
- Volunteer ID/Background Checks
- Volunteers PREA Training Acknowledgement Statements
- Inmate Orientation Checklist
- NIC Certificates facility based PREA investigators
- NIC Certificates for medical/mental health staff (contractors)
- Victim/Aggressor Initial Screenings
- Victim/Aggressor Re-Assessments (Match with PREA Initial Screenings)
- Rosters with inmate signature, forms indicating inmates were advised at intake of the zero-tolerance policy and how to report
- Inmates Grievance file Reviewed Past 12 Months
- Administrative Segregation Records/Visit
- Segregation/Isolation Checklist

- Three PREA Questions/ Applicant Verification
- Employees GCIC-NCIC Background Cleared/Approved Letters
- New Employees Background Checks
- Part Time Background Checks
- Contractors Background Check Clearance
- Contractors Five Year Background Clearance
- Staff Five Year Background Check Clearance

Incident Reporting:

The facility maintains a comprehensive incident reporting system that is monitored on an ongoing basis for immediate corrective action, as well as trending on an annual basis for the purpose of quality improvement to minimize risk and staff training needs.

Disciplinary Procedures:

The purpose of the resident disciplinary system is to provide all inmates with a fair and impartial hearing when they are accused of violating an agency or institutional rule. This system is also designed to promote order and maintain the security and safety of the institution.

Informational Consolidation:

The auditor communicated with the agency PREA coordinator frequently throughout the three days of the on-site audit to consolidate information and ensure that the interviews, documentation, and facility observations supported compliance determinations for the required PREA standard. There was work on-site and off-site at the hotel to review concerns and documents. When additional information was requested to establish compliance, the facility management team was responsive and made every effort to deliver documentation, explanations, or clarifications. The facility staff was receptive to addressing identified areas of concern during the facility site visit and during the post audit phase of the audit regarding noted concerns.

Exit Conference:

The auditor conducted an exit meeting on 3/12/21 during which preliminary findings of the review were discussed with the facility and agency leadership team. The attendees, in addition to the state agency staff, participated in the exit briefing. During the exit, the auditor provided a verbal list of identified non-compliant items and described how these related to the standards and or provisions. For resolution of issues following the exit, the auditor advised that outstanding issues must be addressed with proof of compliance and practice.

The following staff attended the exit conference. (Phillips State Prison and Phillips Transitional Center)

- Adam Barnett, USDOJ Certified PREA Auditor
- Shay Hatcher, Warden
- J. Kevin Perry, Superintendent
- Rhonda Billings, Deputy Warden of Care and Treatment
- Verona Baly, Assistant Superintendent
- Susie Jackson, LT
- April Thomas, Unit Manager
- Grace Atchison, Agency PREA Coordinator

Facility officials were very open and receptive to an honest discussion of areas where PREA compliance needed to be strengthened as well as areas of non-compliance. The auditor indicated that an interim report will be sent within 45 days with standards or provisions details.

Post Audit Phase

Upon completion of the onsite phase of the audit, the auditor and the facility PREA compliance manager agreed to communicate by email and telephone during the post audit phase, regarding any identified need for additional documentation, as well as clarification of questions that arose while collating data. Further, the facility PREA compliance manager indicated that the facility would provide the auditor with proof of practice on an ongoing basis, as related to correction of identified deficiencies to ensure that practices have become institutionalized.

Communication with the facility PREA compliance manager and designated facility staff was ongoing, with efficient, timely, and thorough responses provided consistently both by email and telephone.

Audit Section of the Compliance Tool:

The auditor used the required Prison Rape Elimination Act (PREA) Audit Report Prison and Jail standards report to enter collected information. The auditor used the PREA Online Audit System (OAS) to conduct the audit. Detailed information from the audit interviews were integrated into relevant sections of the standards. In order to ensure all standards were analyzed, the auditor proceeded standard by standard and provision by provision, to determine compliance or non-compliance.

Interim Report:

The auditor submitted a written interim report to the facility on 3/29/21.

Final Audit Report:

The final 2021 PREA Audit report was completed on 6/7/21 and submitted to the facility.

AUDIT FINDINGS

Facility Characteristics:

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate or resident population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

The Phillips State Prison, located in Blairsville, Georgia, is a medium security prison with a total capacity of 918 inmates. The Mission of the facility is to ensure public safety and effectively house offenders while operating a safe and secure facility by housing inmates who have had management problems at other prisons or centers and those who could pose a risk if housed elsewhere.

The facility provides all levels of mental health service to include level IV, Crisis Stabilization. The facility serves as host facility for Atlanta Medical Center and Phillips Transition Center. Housing consists of ten (1) living units, each with two dormitories. The number of units with two-man cells is seven and a half while the remainder is a combination of two single-man cells. The combination two-single man cells house Mental Health/Special Management Inmates. There is a total of 100 isolation/segregation cells. (See 115.13 for a detailed description of the facility)

The Phillips Transition Center has a rated capacity of 204. The facility provides the following programs, General Education Diploma, Adult Basic Education, Special Education and Literacy Remedial programs. Counseling programs include Motivation for Change, thinking for a Change, Moral Recognition Therapy, Lifers, Family Violence, Re-Entry, A/A, N/A, Matrix Relapse Prevention, Matrix Early Recovery Skills, Mental Health Groups, Faith and Character Based programs. General recreation is provided, and religious activities include worship services, scriptural studies Confronting Self, Pastoral Care/Counseling, and Inmate Hospice Care. Vocationally, the following is offered: Auto Body, Auto Mechanics, Welding, Small Engine, Barbering, Woodworking, Food Preparation, Printing, Building and Custodial Maintenance, Career Clerk (library) and Laundry operations. (See 115.13 for a detailed description of the facility)

AUDIT FINDINGS

Summary of Audit Findings:

The OAS will automatically calculate the number of standards exceeded, number of standards met, and the number of standards not met based on the auditor's compliance determinations. If relevant, the auditor should provide the list of standards exceeded and/or the list of standards not met (e.g. Standards Exceeded: 115.xx, 115.xx..., Standards Not Met: 115.yy, 115.yy). Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

| | |
|--------------------------------------|----|
| Number of standards exceeded: | 3 |
| Number of standards met: | 42 |
| Number of standards not met: | 0 |

Number of Standards Exceeded: 3

List of Standards Exceeded: 3

115.11- Zero Tolerance of Sexual Abuse and Sexual Harassment: PREA Coordinator

115.51 – Inmate Reporting

115.87 – Data Collection

Number of Standards Met: 42

Prevention and Planning:

115.12 – Contracting with Other Entities for the Confinement of Inmates

115.13 – Supervision and Monitoring

115.14 – Youthful Inmates

115.15 – Limits to Cross-Gender Viewing and Searches

115.16 – Inmate with Disabilities and Inmate who are Limited English Proficient

115.17 – Hiring and Promotion Decisions

115.18 – Upgrades to Facilities and Technology

Responsive Planning:

115.21 – Evidence Protocol and Forensic Medical Examinations

115.22 – Policies to Ensure Referrals of Allegations for Investigations

Training and Education:

115.31 – Employees Training

115.32 – Volunteer and Contractor Training

115.33 – Inmate Education

115.34 – Specialized Training: Investigations

115.35 – Specialized Training: Medical and Mental Health Care

Screening and Risk of Sexual Victimization and Abusiveness:

115.41 – Screening for Risk of Victimization and Abusiveness

115.42 – Use of Screening Information

115.43 – Protective Custody

Reporting:

115.52 – Exhaustion of Administrative Remedies

115.53 – Inmate Access to Outside Confidential Support Services

115.54 – Third-Party Reporting

Official Response Following and Inmate Report:

115.61 – Staff and Agency Reporting Duties

115.62 – Agency Protection Duties

115.63 – Reporting to Other Confinement Facilities

115.64 – Staff First Responder Duties

115.65 – Coordinator Response

115.66 – Preservation of Ability to Protect Inmates from Contact with Abusers

115.67 – Agency Protection against Retaliation

115.68 – Post Allegation Protective Custody

Investigation:

115.71 – Criminal and Administrative Agency Investigations

115.72 – Evidentiary Standard for Administrative Investigations

115.73 – Reporting to Inmates

Discipline:

115.76 – Disciplinary Sanctions for Staff

115.77 – Corrective Action for Contractors and Volunteers

115.78 – Disciplinary Sanctions for Inmates

Medical and Mental Care:

115.81 – Medical and Mental Health Screening; History of Sexual Abuse

115.82 – Access to Emergency Medical and Mental Health Services

115.83 – Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers

Data Collection and Review:

115.86 – Sexual Abuse Incident Reviews

115.88 – Data Review for Corrective Action

115.89 – Data Storage, Publication, and Destruction

Audits and Correction Action:

115.401 – Frequency and Scope of Audits

115.403 – Audit Contents and Finding

Number of Standards Not Met: 0

List of Standards Not Met: 0

Summary of Corrective Action (if any)

The following is/are standards/provisions that were categorized as “Does Not Meet.” Documentation to support the finding can be found in the narrative section of the applicable standard. Furthermore, a finding of “Does Not Meet” will include a detailed description of the facility corrective action process and the status of the correction action.

Corrective actions, specific details about deficiencies or concerns regarding findings may appear in the standard-by-standard discussions in the main body of the report. If the facility does not correct the stated concerns within 45 days, the auditor will release an interim report that will start the corrective action process. If the facility completes stated concerns within the 45 days and the auditor agrees then the final report will be release.

Summary of Corrective Actions and Facility Responses

Phillips Transitional Center

No Corrective Actions for Phillips Transitional Center.

Summary of Corrective Actions and Facility Responses

Phillips State Prison

Standard # 115.13 – Supervision and Monitoring

Concern 1: Unannounced Rounds

Policy and the facility Staffing Plan requires:

“Unannounced rounds by supervisory staff, with the intent of identifying and deterring sexual abuse and sexual Harassment, are required to be conducted every week, including all shifts and all areas. These rounds will be documented in the area log books. In addition, the institutional Duty Officer is required to conduct and document unannounced rounds at least once per week in all areas. These rounds will be documented in the local Duty Officer Log book.”

The facility provided the auditor with logbooks pages documenting unannounced rounds for the inmate dorms. However, the facility did not provide documenting of conducting unannounced rounds in the kitchen, medical, intake, laundry, etc. And the rounds should have more details of what is going as it relates to PREA.

PREA Coordinator Response: Although the standard does not specify what areas of the facility, specifically, that unannounced rounds should occur. Based on the overall PREA standards, the GDC PREA Coordinator interprets areas to be “anywhere an inmate has access to.” CAP: Warden to issue a directive advising staff to conduct rounds in all areas that inmates have access to.

Although the GDC PREA Coordinator agrees that documentation of rounds should be more detailed, standard 115.13 (d) does not require detailed documentation, it only requires that the act of making unannounced rounds is documented. CAP: The CAP to rectify the missing areas above (kitchen, medical, intake, laundry, etc....) will suffice for this request.

The facility provided the auditor with the requested unannounced rounds from the logbooks with different areas.

Standard # 115.15 – Limits to Cross-gender Viewing and Searches

Concern 1: Inmate Safety in Showers and Blind Spots

During the facility site review, the auditor noted in Living unit G2, H2 no shower curtains on the top range and two shower curtains on the bottom range have shower curtains with solid panels. The showers are deep which can allow more than one inmate behind the curtain and staff may not know when monitoring.

PREA Coordinator Response: Facility will ensure that shower curtain panels are clear in the head area, solid for the breast and genital area and clear for the bottom leg area for all facility showers.

The facility provided the auditor with pictures of the shower curtain panels that was requested.

Concern 2: Transgender Woman

During the facility four the auditor informally spoke briefly with inmate x, inmate x voiced concerns regarding safety and showing. The auditor informed the inmate that she would be added to the formal interview list.

PREA Coordinator Response: Cannot provide CAP, no specifics safety and showering concerns.

Concern 3:

Auditor interviewed a total thirty-one (31) random Inmate interviews. Nineteen (19) were random interviews. Twelve (12) interviews were target interviews. All inmates reported that the staff announce their presence when entering the housing units. One inmate reported that he has knowledge of the older inmates paying the younger inmates to have sex for various items (i. e, drugs, food, cigarettes, money, and other forms of contraband). The inmate that reported the information stated that “hell, I have life in here and I may start doing sexual stuff that violates PREA laws”. The auditor strongly advised the inmate not to do anything to violate any laws (local, state, or federal). The inmate stated that the younger inmates are at the facility enrolled in the charter school, but they are being solicited sexually by older/seasoned inmates for sexual favors in exchange for contraband.

PREA Coordinator Response: No CAP can be provided as no specific standards or allegations are cited. The PREA Coordinator conducted a SART investigation on a similar issue with an anonymous letter to the auditor for this facility. The overall determination of that SART investigation was deemed unsubstantiated. Furthermore, willingly exchanging items for sexual favors, can be interpreted as a consensual act. Therefore, these allegations do not meet PREA criteria.

After reviewing the Agency PREA Coordinator response, this provision is compliant.

Standard # 115.17 – Hiring and Promotion Decisions

Concern: Five Year Criminal Background Checks

Standard requires the agency to either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.

During a staff interview and through documentation requested, it was indicated and revealed that the facility is not conducting the 5-year background checks on non-security staff. Background checks are conducted on security staff every year.

PREA Coordinator Response: Warden will issue a directive to local HR to conduct background checks for non-security staff, as per standard. The PREA Coordinator suggested that the facility exceed this standard by conducting background checks for all staff, annually.

The facility provided the auditor with copies of the completed five years background checks.

Standard # 115.41 – Screening for Risk of Victimization and Abusiveness

Concern: Reassessments

Standard requires within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screenings.

The auditor requested to review 100 reassessments to match the initial PREA assessments. As of March 8, 2021, the facility provided only 40 reassessments out of 100.

PREA Coordinator Response: On 02/18/2021, the PREA Coordinator conducted a GDC annual assessment review of Phillips SP's 30-day screenings and found them non-compliant. A corrective action directive was issued through the GDC Audit Team. For the PREA CAP, the Warden will issue a directive to ensure that risk screenings are conducted within 30-days of arrival at their facility. Proof of practice will be provided to the PREA Coordinator's office upon intake, for a period of 30 days.

The facility provided the auditor with copies of completed reassessments.

Standard # 115.42 – Use of Screening Information

Concern 1: Transgender Woman

Standards require that a transgender and intersex inmate's own view with respect to his or her safety shall be given serious consideration, and transgenders and intersex inmates shall be given the opportunity to shower separately from other inmates.

During facility tour and in an informal interview with a transgender inmate, it was indicated that she does not feel safe, however, she felt that this was the safest living unit for her. The concern is with showering. The shower curtains are PREA friendly, the upper clear panel allows other inmates and staff to see her breast.

PREA Coordinator Response: The CAP concerning the shower curtain issue was addressed under the 115.15 concern mentioned earlier in this document.

A CAP will not be provided regarding "the inmate's own view with respect to his or her safety" as there was no specific explanation of (1) if the inmate stated their view was not considered (2) no specific safety concerns were detailed and (3) the inmate stated that she "felt that this was the *safest* living unit for her."

After reviewing the Agency PREA Coordinator response, this provision is compliant.

Concern 2: Transgender Woman

Interviewed three (3) transgender inmates. All three (3) reported that they have not been solely searched because of being transgender or to determine genital status. One (1) inmate reported that the Warden does not follow up on her request to receive panties, bras, and make up. The inmate reported that when she asks the subordinate staff about her request, they all reply "the warden has not approved your requested items yet". One (1) of the inmates reported that she is tired of being gender harassed in the form of non-verbal harassment from the Warden. The inmate reported that the Warden does non-verbal things to discriminate against her. She could not give specific examples.

PREA Coordinator Response: A CAP will not be provided regarding the property concerns for the

offender, as these concerns are not a violation of the PREA standards. Additionally, a CAP will not be provided for the allegation that the Warden non-verbally “gender” harasses the offender (1) the inmate did not state how she felt harassed, nor did she give an example of what gender-harassed means, (2) What does she mean by non-verbal and (3) “She could not give specific examples.”

After review of the Agency PREA Coordinator response, this provision is compliant.

Standard #115.51 – Inmate Reporting

Concern: Inmate Reporting to a Public or Private Entity

Standard requires that the facility shall provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency, and that is able to receive immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

During the facility tour, living unit D1, serves as a supportive living for mental ill residents, and D2 serves as administrative segregation and serves level II and IV mental health inmates. Staff confirmed that the rolling phones did not work. The living unit did have one kiosk machine.

PREA Coordinator Response: A CAP will not be provided for this standard as GDC meets the standard for reporting. At any time, an offender can report sexual abuse or sexual harassment to a staff member. The standard does not state that we must provide them a way to report to an “outside” agency immediately. The offender has the option to write a letter to an outside agency. The only language that requires immediate action is if the offender reports to an outside agency, the outside agency must immediately report the allegation. GDC phones and kiosks are privileges and not requirements. GDC has other multiple avenues for offenders to report PREA allegations.

In addition to this response, the Warden advises that the offenders are continuously tearing up the phones and that AT&T are frequently at the facility to repair phone damage, caused by offenders.

After reviewing the Agency PREA Coordinator response, this provision is compliant.

Standard #115.53 – Inmate access to outside confidential support services

Concern: Inmate Detained for Civil Immigration Purposes

Standard states that the facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigrant services. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential manner as possible.

Interviews with staff and documentation review indicated that the facility does not have the required contact information available for inmates detained solely for civil immigration purposes.

PREA Coordinator Response: A CAP will not be provided for this standard as GDC does not house any offenders that are detained solely for civil immigration purposes. Therefore, this standard is non-applicable to the GDC. Please see PAQ 115.51 where GDC answers “no” to the questions (115.51 (b) (2), and 115.53 (a) (3).

After reviewing the provision by the PREA auditor, this standard provision will be entered as "NA" into the online system.

Confidential Emails and Letters

Concern 1: Confidential Email Report Sexual Abuse

Standard 115.71 section (a) states when the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, and objectively for all allegations, including third-party and anonymous reports.

On February 6, 2021 at 10:54 PM, the auditor received an email from X1 stating "I understand you are doing the PREA audit for Phillips. What follows is a copy of the email I sent to the head of the GDC's internal affairs/compliance director some time ago. The GDC did no investigation – didn't even acknowledge m email. The same people are still doing the same stuff at Phillips. It's got to do with the gang affiliations, drug trafficking, and at least a little to do with the race issues."

On February 7, 2021 at 5:05 PM, the auditor forwarded the email to the Agency PREA Unit with the following message, I received a confidential/Anonymous email regarding "PREA Report concerning Phillips State Prison in Buford, Ga. According to the email an ex-inmate is reporting an alleged sexual abuse among staff and inmates. According to the email (see below), the inmate and others have reported sexual predators to both the local administration the center office more then a dozen times during the past four years.

Please provide me with what actions have been taken, and provide the auditor with completed PREA investigations or status report regarding the alleged sexual abuse. If these alleged allegations have not been investigated, please have them investigated immediately with investigators above the facility level. After, which, please share the results of the investigations with me.

On February 7, 2021, the auditor response to X1, "I have received your confidential/anonymous email regarding PREA Report concerning Phillips State Prion in Buford, Ga. Your alleged allegations will be reviewed as a part of Phillips State Prison Certified DOJ PREA Audit. You will not be retaliated against for filing a sexual abuse alleged allegation.

On March 8, 2021 at 6:47pm, the auditor received a second email from X1 reporting additional information.

On March 8, 2021 at 8:28pm, the auditor forwarded the email to Agency PREA Coordinator and Assistant PREA Coordinator as for-your-information (FYI).

Note: the auditor redacted the inmates name from the Agency PREA Coordinator response below.

PREA REPORT CONCERNING PHILLIPS STATE PRISON IN BUFORD, GA

PREA Coordinator's Response

SUMMARY: Beginning on February 6, 2021, PREA Auditor, Adam Barnett, received a series of emails from an anonymous author, claiming criminal activities with staff and inmates at Phillips State Prison. Upon notification, the PREA Coordinator's office reported all allegations to the OPS Criminal Investigations Division. (Ref. X1).

Although the emails contain information regarding several criminal violations, I will only address

allegations specifically related to the Prison Rape Elimination Act.

PREA COORDINATOR'S RESPONSE: The PREA Coordinator's first report of these allegations were received on February 7, 2021 via email from the Phillips SP PREA Auditor. The PREA Coordinator's office immediately researched these allegations to verify any previous investigation information. The research revealed that the PREA Coordinator's office had not previously received any allegations related to the claims in the (X1 emails.

Because the emails claim "staff cover-ups" at Phillips State Prison, the PREA Coordinator made the decision to bypass a traditional SART investigation and forward the information to the agency's criminal investigations division. In addition to forwarding the information to OPS, the PREA Coordinator's office conducted the SART investigation.

SART INVESTIGATION DISPOSITION: Based on the information obtained, or lack thereof, I find this case to be "unsubstantiated" AND "forwarded to OPS for criminal investigation."

Justification of Disposition:

All PREA-related quotes are listed below with individual responses from the PREA Coordinator.

1. "Myself and others have reported sexual predators to both the local administration and the central office more than a dozen times during the past four years. Not only has nothing been done to stop any of those involved, each of the known predators has been facilitated by senior staff members to continue destroying the lives of young men."

There were (5) alleged aggressors indicated in the allegation; they were: X2; X3; X4; X5; and X6.

There were (3) alleged victims indicated in the allegation; they were: Anonymous Reporter; X7 and X8.

1. A determination could not be made for the anonymous reporter, due to lack of information provided. Neither X7, nor X8 are on the Central Office PREA Allegation Log as having ever reported a PREA allegation.

Out of the (5) predators listed, only one of them (X6) has ever been reported as involved in a PREA allegation. He was listed as an alleged victim in a 2016 allegation and an alleged aggressor in a 2018 allegation. Both cases resulted in a disposition of "unsubstantiated."

The language in this quote claims that they have reported "predators" but did not indicate any specific allegation. In fact, later in the correspondence, the author admits that no one wanted to report an "official" PREA allegation. The author of the email contradicts himself on whether he, or anyone, actually made an official PREA report.

Furthermore, Phillips SP has a total of (39) investigated PREA allegations, during the reporting period of January 1, 2020 to current (March 11, 2021). This leads me to believe that Phillips SP SART follows protocol whenever an allegation is reported. Therefore, the claim that reports were made (with these alleged perps and victims) at least a dozen times is unfounded.

The statement that "staff facilitates predators to continue destroying the lives of young men," cannot be verified. It leads to further questions, such as: What does the author mean by facilitate? What specific staff is facilitating? What time frame did this facilitating occur? Is the facilitation related to the alleged drug ring or is it PREA-related? Without knowing what the author means, a meaningful investigation cannot be conducted on this portion of the allegation. Because I cannot determine what he is saying, I cannot determine whether the incident occurred or did not occur, therefore leading to an unsubstantiated

disposition on this portion of the allegation.

Sexual Predators reported at least a dozen times = Unfounded.

Staff "facilitates" predators = Unsubstantiated.

2. "A number of the victims (including myself) have been punished or transferred, and at least one friend of mine who was even smaller than me committed suicide."

This allegation falls under 115.67 Agency protection against retaliation, IF the punishment is directly related to reporting or cooperating in a PREA allegation/investigation. Because the author does not specify whether the punishments are related to PREA or the other criminal activities, I cannot determine non-compliance of standard 115.67. Again, without knowing "who" was "punished or transferred," I cannot investigate further. Furthermore, neither alleged victim (X7, X8) have ever been issued a disciplinary report from Phillips SP, nor have either one been transferred, as they are both housed at Phillips SP. Therefore, the claims that the victims are punished or transferred are unfounded.

Victims have been punished = Unfounded.

3. Inmates "X2, X3 and X4. X5 and X6 [...] Each member of this group uses the same method. They identify a small, young, non-gang affiliated white inmate like me and offer to "share" drugs with them - as "friends." The victim is quickly isolated from other inmates who might intervene. A variety of techniques are used to get to the point where the victim will allow the predator to begin sexually abusing them in exchange for drugs - almost always meth but increasingly K2 Strips."

§ 115.6 "Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse." This allegation borderlines the definition of sexual abuse. The author of the email states "the victim will allow (aka: consent) the predator to begin sexually abusing them in exchange for drugs." In an attempt to exercise due diligence, I looked further into this allegation. The author does not state that the predators threatened violence or forced the alleged victims to perform sexual acts. The author does not state specific (verifiable) incidents, date ranges or time frames and he does not say, specifically, who the victims are. Although tempted to deem this allegation as "not PREA," I will deem it unfounded.

Perps exchange drugs for sexual abuse = Unfounded.

4. "X2 [...] literally made me lay on his bed so that he could have anal sex with me any time he was in the mood. [...] His latest "friend" is named X7. [...] X3 did largely the same to me and to another of my friends. He has "only" had 4 known victims during this same time period. His current "friend" is named X8. [...] he (X3) was able to orchestrate a series of moves between dorms which ended with him living in the same room with X8.

The allegation that X2 made the anonymous victim lay on his bed to have anal sex, cannot be substantiated due to lack of information provided. What does he mean that X2 "made" him lay on the bed? Did he use force or threats? Did the victim consent? The author claims that X3 did "largely" the same thing to him? What does that mean? Did he "almost" do the same thing? What was different between the two alleged perps' actions? X2 latest "friend," (The term "friend" is interpreted as alleged victim) X7, has not made any PREA allegations. The PREA Coordinator did not interview inmate X7, as the case has been referred to OPS for criminal investigation. OPS will handle all interviews associated with this case.

The anonymous victim was “made” to have anal sex with Inmate X2 = Unsubstantiated

Inmate X3 “did largely the same thing to the anonymous victim” = Unsubstantiated

X3 current “friend (aka alleged victim)” is X8 = Unfounded

I cannot verify that X3 “orchestrates a series of moves [...] which ended with him living in the same room with X8,” I did check the current bed assignments for both offenders. They were not currently living in the same room, but they were on the same dorm (A-2). I immediately contacted Phillips SP and advised them to separate the inmates. Who were X3’s (4) unnamed victims?

X3 orchestrates moves so he and X8 (alleged victim) can share a room = Unsubstantiated.

5. X4, X6 and X5 have likewise been repeatedly reported for sexual predations. [...] while their victims have been punished or transferred.

Research indicates that offenders X4 and X5 do not have any allegations reported, either victim, nor aggressor. Inmates X4 and X5 have been repeatedly reported for sexual predations = Unfounded

Research indicates that X6 has been involved in (2) PREA Allegations. (2016) alleged victim in a staff-to-inmate harassment allegation and (2018) alleged aggressor in an inmate-to-inmate abuse allegation.

Both cases were investigated and deemed to be unsubstantiated. “Repeated” means more than once.

X6 has been listed as an aggressor in (1) PREA allegation.

Inmate X6 has been repeatedly reported for sexual predations = Unfounded

There is not enough information to verify that victims are being punished or transferred.

Retaliation for unknown victims = Unsubstantiated

6. “Prison officials who have been spoken to concerning these five individuals, and others, have indicated that they would only do something if the victims filed official PREA reports. [...] it is hard enough for any young man to admit that he has allowed himself to be turned into another man's sexual plaything, but it is next to impossible to get them to also admit that he has been committing felonies by using meth as part of the "trade.”

If this statement is true, Prison officials are following proper procedures for PREA reporting. If an official PREA allegation is reported, staff then have the obligation to follow PREA protocols, indicated by law, and GDC policies. Prison officials cannot punish an offender, without evidence. This would be a violation of their constitutional rights. Also, this statement leads me to believe that PREA reports were not filed, therefore contradicting the entire allegation that reports were repeatedly made to staff and central office.

Additionally, the statement that a man has “allowed himself to be turned into another man’s sexual plaything,” indicates consent. Again, there are no specifics indicated in this allegation and a meaningful investigation cannot be conducted at this level. Since there is no specific allegation in this section, a SART disposition is not required.

----- Forwarded message -----

From: X1

Date: Fri, Feb 12, 2021 at 4:46 PM

Subject: Re: PREA Report Concerning Phillips State Prison in Buford GA

To: Adam Barnett adam30906@gmail.com

“You might be interested to hear that someone at Phillips did a pretend investigation about the PREA information I sent you. [...] whoever did the investigation told the people they talked to, or at least that's what one of them accused my friend of doing, and said they'd kill him if he even said their name to anybody again. [...] Why isn't anyone smart enough to look at the video tapes that show what goes on in the dorms.”

The anonymous Author claims that “someone at Phillips did a pretend investigation.” Phillips SP staff has

not conducted an investigation. The person he is referring to is an OPS criminal investigator, dispatched by the PREA Coordinator's office, to investigate the allegations. In order to conduct a meaningful investigation, the OPS investigator must ask questions regarding the allegations.

The dormitory videos are on a 30-loop. If an allegation is not reported within the 30 days, we cannot view video footage. Furthermore, not one of these allegations indicate a date, time, location, specific nature of the incident, specific victim or aggressor, etc..., making it impossible to conduct a meaningful investigation.

Because this email does not indicate a specific PREA allegation, no disposition is provided.

----- Forwarded message -----

From: X1

Date: Mon, Mar 8, 2021 at 6:47 PM

Subject: Re: FOLLOW-UP PREA Report Concerning Phillips State Prison in Buford GA

To: Adam Barnett

"My friend says that since the warden warned these guys, X4 has raped another young (21 yrs old) white kid after he got him to smoke meth with him, while X5 has threatened another young white kid who managed to get away from his daily demands for oral sex and payment for "giving" him meth."

Third-party reports are accepted and investigated by GDC officials. However, this allegation is strictly heresy, as it is not a first-hand account. Additionally, the claim that X4 has raped another "white kid" and X5 has threatened another "white kid" does not give me enough information to conduct a meaningful investigation.

Again, we cannot punish the alleged aggressors without evidence to show substantiation. Therefore, these allegations are unsubstantiated.

X4 raped another young white kid = unsubstantiated.

X5 has threatened another young white kid = unsubstantiated.

Sexual Predators reported at least a dozen times Unfounded.

Staff "facilitates" predators Unsubstantiated.

Victims have been punished Unfounded.

Perps exchange drugs for sexual abuse Unfounded.

The anonymous victim was "made" to have anal sex with Inmate X2 Unsubstantiated.

Inmate X3 "did largely the same thing to the anonymous victim" Unsubstantiated.

X3's current "friend (aka alleged victim)" is X8 Unfounded.

X3 orchestrates moves so he and X8 (alleged victim) can share a room Unsubstantiated.

Inmates X4 and X5 have been repeatedly reported for sexual predations Unfounded.

Retaliation for unknown victims Unsubstantiated.

X4 raped another young white kid Unsubstantiated.

X5 has threatened another young white kid Unsubstantiated.

Final Disposition of SART Investigation: There are a total of (12) PREA-related allegations indicated in the series of emails sent to PREA Auditor Adam Barnett, regarding Phillips State Prison. Of the (12) allegations, 5/12 were deemed unfounded and 7/12 were deemed unsubstantiated. Therefore, the preponderance of evidence indicates the overall disposition as Unsubstantiated and Forwarded to OPS for Criminal Investigation.

• Please note that this is the disposition for the SART investigation. The OPS criminal investigation is pending. This information is confidential and should not be shared with anyone, without the approval of the GDC PREA Coordinator or the OPS Criminal Investigations Division.

Concern 2: Second Confidential Email Report Sexual Abuse CX2

Standard 115.71 section (a) states when the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, and objectively for all allegations, including third-party and anonymous reports.

On March 11, 2021, the auditor received an email from CX2 (regarding X1 concerns). The auditor forwards the email to the Agency PREA Unit.

Please see concern #1 Agency PREA Coordinator response.

Concern 3: Confidential Reporting Sexual Abuse

On March 2, 2021, the auditor received an inmate confidential letter regarding being sexual abuse. This inmate will be referred to as CX3. Inmate CX3 letter stated that he been raped over 21 times at this prison, he been raped by officers and inmates and was force to have oral sex by one of the Doctors in his cell.

During the site view the auditor interview management staff to include the PREA compliance manager/investigator. Documentation review was conducted.

During the documentation review regarding CX3 PREA concerns, the auditor received additional investigation dated 2/23/21 PREA Investigative Summary. According to the summary, the facility investigator initiated an investigation of staff on inmate sexual assault made by CX3 against and officer. CX3 reported that he was sexually assaulted and held at gun point by the officer, he was seen by mental health and medical.

The investigator initial interview with CX3, she asked him why is it that there is always a staff member with a gun to his head while he is being sexually assaulted? That was asked because CX3 has made a similar allegation against a doctor a few months ago and requested to be put on a female caseload.

The finding was unfounded and case closed.

Standards

Auditor Overall Determination Definitions

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

Auditor Discussion Instructions

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.

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| 115.11 | Zero tolerance of sexual abuse and sexual harassment; PREA coordinator |
| | Auditor Overall Determination: Exceeds Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1, 2, 3, 4, 5 / B1, B2 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -B2 - SART Committee -B2 – PREA Organizational Chart -B2 – New Statewide PREA Coordinator Named -B3 - Agency Organizational Chart - -C3, 4 - Facility Organizational Chart -Interviews <p>115.11 (a)</p> <p>The Agency has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlines the agency’s approach to preventing, detecting, and responding to such conduct.</p> <p>Georgia Department of Corrections (GDC) Policy 208.6, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, is a comprehensive PREA Policy that not only details the agency’s approach to prevention, detection, reporting and responding to allegations of sexual abuse and sexual harassment but also integrates this information in a manner that flows logically and is easily understood. The policy affirms that the department will not tolerate any form of sexual abuse or sexual harassment of any offender. Policy states that the department has a zero tolerance for all forms of sexual abuse or sexual harassment of any offender. Policy states that the department has a zero tolerance for all forms of sexual abuse, sexual harassment, and sexual activity among inmates. It further indicated the purpose of the policy is to prevent all forms of sexual abuse, sexual harassment and sexual activity among inmates by implementing provisions of the PREA standards to help prevent, detect respond to sexual abuse in confinement facilities.</p> <p>Georgia Department of Corrections Policy 208.06, section K (1- 4) (pp. 3-4) definitions cover Sexual Abuse by Offenders and section L (1-8) (pp. 4-5) and definitions cover Sexual Abuse by a Staff member, Contractor, or Volunteer. Section M (1-2) definitions cover Sexual Harassment.</p> <p>The facility has an operation manual (GDC Policy 220.03 Attachment 14) which is the authoritative guidebook that describes the detailed processes and systems utilized by Care & Treatment staff, identifying the services provided to the offender population. The operational manual has 38 sections. Section 36 covers the “PREA Compliance Process”.</p> <p>115.11 (b)</p> <p>The agency shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with</p> |

the PREA standards in all its facilities.

Georgia Department of Corrections takes sexual safety seriously. The GDC appointed a Director of Compliance who is responsible for the Department's compliance with the PREA standards, The Americans with Disabilities Act, and the American Correctional Association (ACA) Standards.

The Georgia Department of Corrections (GDC) Commissioner announced the promotion of Grace Atchison to statewide PREA coordinator effective September 16, 2017. The statewide PREA coordinator and an Assistant Agency Statewide PREA Coordinator have sufficient time and authority to develop, implement, and oversee the Department's efforts to comply with the PREA Standards in the GDC facilities. The Statewide PREA Coordinator has responsibility for the entire state.

In addition to the Agency Compliance Director, Statewide PREA Coordinator and Assistant PREA Coordinator, the agency has a PREA Analyst assigned to the PREA Unit. His job is to collect and analyze the data that is submitted to the PREA Unit., monthly, by each facility. This staff also receives the calls from inmates on the Department of Corrections PREA Hotline. The PREA analyst also assists the PREA Auditor, by retrieving information on all calls to the PREA Hotline from each facility prior to the on-site audit. He also assisted the auditor by securing from the Georgia Department of Corrections Technical Section, a roster of disabled inmates, identifying the inmate and his/her disability, enabling the auditor to select disabled inmates to interview during on-site visits. He keeps statistics for each facility and cumulatively for the agency that are used by the department in analyzing issuers related to PREA.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, do you feel that you have enough time to manage all of your PREA-related responsibilities?

The PREA coordinator, along with her assistant coordinator, are responsible for facilities statewide. These include all Georgia Department of Corrections State Prisons and Community Based Facilities as well as all the County Prisons in Georgia. Although the job is challenging, the Coordinator, who is an energetic and intelligent staff person, indicated she makes time to complete all her PREA related responsibilities.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, how many facility PREA compliance managers are there throughout your agency? How do you interact with them?

The PREA Coordinator indicated, in an interview, that there are 87 PREA Compliance Managers throughout the state. These include those managers at all of the GDC State Operated Prisons, Transitional Centers, Work Release Centers, Specialized Programs, Privately Operated Facilities and County Prisons. The PREA Coordinator is a Peace Officers Standards Training Certified Trainer. Interaction occurs during training sessions sponsored by the PREA Staff, especially in training members of the facilities Sexual Assault Response Teams. Additionally, she and her Assistant PREA Coordinator interact with the PREA Compliance Managers via phone, email, and via video.

115.11 (c)

Where an agency operates more than one facility, each facility has a designated PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to

comply with the PREA standards.

The warden/superintendent at each facility is charged with ensuring that all aspects of the agency's PREA Policy are implemented. The warden/superintendent are required to develop a Local Procedure Directive for response to sexual allegations. The Directive reflects the facility's unique characteristics and specifies how each facility will respond to sexual allegations and the notification procedures followed for reports of sexual allegations.

Wardens/superintendents are required to assign a facility PREA compliance manager, who has sufficient time and authority to develop, implement and oversee the facility efforts to comply with the PREA Standards.

The warden at this facility designated a higher-level staff, the deputy warden for Care and Treatment. She reports directly to the warden and reportedly has his complete support in implementing the PREA Standards.

Zero Tolerance is reflected in multiple documents, including PREA Acknowledgement Statements for staff, contractors, volunteers, and Inmates. Posters were observed in building, living units, and in areas like the barbershop, kitchen, education, the gym, medical, segregation, etc.

The facility provided PREA Acknowledgement Statements or rosters confirming staff have been trained in PREA. The PREA Acknowledgement Statements for Employees and Unsupervised Contractors and Volunteers affirms that they have received training on the department's Zero Tolerance Policy on Sexual Abuse and Sexual Harassment and that they have read the GDC Standard Operating Procedure 08.06, Sexually Abuse Abusive Behavior Prevention and Intervention Program. They acknowledge that violation of the policy will result in disciplinary action, including termination or being banned from entering any correctional institution.

This standard is rated "exceed" because of the agency and the facility's commitment to zero tolerance and to PREA. The department has designated a statewide compliance director with overall responsibility for implementing PREA. The department has designated a statewide PREA coordinator to oversee the implementation of PREA in the GDC facilities. Another staff has been designated as the agency's assistant PREA coordinator. GDC has also provided the PREA Unit the position of "analyst" who collects data from monthly reports sent to the PREA Unit. The warden has demonstrated his commitment to PREA by designating his deputy warden of Care and Treatment as the facility PREA compliance manager.

The facility provided a PREA Organizational Chart which indicated the positions of the statewide PREA coordinator, warden, facility PREA compliance manager, SART leader, retaliation monitor, victim advocate, SART investigator and the SART medical staff.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, if you identify an issue with complying with a PREA standard, what actions or processes do you undertake to work toward compliance with the standard?

The PREA Coordinator indicated if the agency identified an issue complying with a PREA Standard, she would get with subject matter experts, if needed or indicated, consult with applicable parties, including legal and develop a plan for corrective action. For example: During the implementation of PREA initially especially the agency reached out to National

Organizations for assistance. They reached out to Just Detention International early on in dealing with training issues. They also reached out to them when Georgia Prisons were having difficulty in identifying outside advocacy organizations to enter into Memoranda of Agreements to provide advocacy services to inmate victims of sexual abuse. The agency reached out the Moss Group subject matter experts in developing the agency's transgender policy and for assessing and recommending additional gender specific programs. Having identified issues with the quality of investigations, the agency is planning to have the Moss Group subject matter experts take a look at investigations and consult with the agency on improving the quality of those investigations.

Interviewed Staff: The facility PREA compliance manager indicated that there is enough time to manage all of her PREA related responsibilities, in part because of the support she receives from other staff, including designated staff, SART Team assistance, professional staff and PREA training for SART and facility staff. She also indicated that she is new to these responsibilities.

When asked to discuss how she coordinates the facility's efforts to comply with the PREA standards, the PREA compliance manager indicated that she would coordinate the facility's efforts to comply with the PREA standards by detecting, protecting, preventing, intervene, documenting, reporting, investigating, discipline, and prosecuting. She indicated that this is conducted through scheduled meetings, review of cases casual conversations, and communication with staff at the Central Office.

Interviewed Transition Center Staff indicated that there is enough time to manage all of her PREA related responsibilities.

115.12 Contracting with other entities for the confinement of inmates

Auditor Overall Determination: Meets Standard

Auditor Discussion

Supporting Information:

- A1 – Memo: Does Not Contract with other Entities for Confinement
- A1 – GDC Facility Types and Numbers
- A1 - Contract (Private) Prison (s) Contracts for County CI
- Athens Clarke County FY19
- Bulloch County FY19
- Gwinnett County FY19
- Screven County FY19
- GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -
- A2, B1 - Contract (Private) Prison (s) Last PREA Audit
- Athens County CI 2019 PREA Audit
- Bulloch County CI 2019 PREA Audit
- Screven County Prison 2019 PREA Audit
- Wheeler Correctional Inst. 2019 PREA Audit
- Interviews

115.12 (a)

A public agency that contracts for the confinement of its inmates with private agencies or other entities, including other government agencies, shall include in any new contract or contract renewal the entity’s obligation to adopt and comply with the PREA standards.

This facility does not contract for the confinement of its inmates.

Georgia Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior, Prevention and Intervention Program., A. Prevention Planning, Paragraph 2, requires the Department to ensure that contracts for the confinement of its inmates with private agencies or other entities, including governmental agencies, includes in any new contract or contract renewal the entity’s obligation to adopt and comply with the any new contract or contract renewal shall provide for Department contract monitoring to ensure that the contractor is complying with the PREA Standards.

The Georgia Department of Corrections (GDC) maintains a zero-tolerance policy regarding sexual abuse and harassment of inmates within the agency’s 21 county correctional institutions and four private prisons, and one private transitional center.

The agency contracts with four private prisons, 21 county facilities and one private transitional center. Policy requires that county facilities and privately operated on behalf of the department (housing state offenders) must meet the same audit requirements. These entities are responsible for scheduling and funding their audits. All audits are required to be certified by the Department of Justice and each facility will bear the burden of demonstrating compliance with the federal standards. A copy of the final report will be submitted to the department’s PREA coordinator upon completion of the audit and must be conducted every three years.

The auditor reviewed the following private and county 2019 PREA reports.

- Athens County CI 2019 PREA Report
- Bulloch County CI 2019 PREA Report
- Screven County Prison 2019 PREA Report
- Wheeler Correctional Inst. 2019 PREA Report

115.12 (b)

Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

The assistant agency PREA coordinator provided the auditor with contracts the agency promulgated for the confinement of inmates by a county prison and a private vendor. Both contracts contained requirements for the contractor to comply with PREA and to acknowledge that the Georgia DOC has the right to monitor for compliance.

The auditor reviewed the following private and county contracts.

- Athens Clarke County FY19
- Bulloch County FY19
- Gwinnett County FY19
- Screven County FY19

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| 115.13 | Supervision and monitoring |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1, D1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program --C1 - Daily Population Reports 1st, 10th, and 20th of each months - Past 12 Months -C1 - Deployments of Video Monitoring -List of Locations -C1 - List of Inmates by Housing Units -C1 – Staffing Plan -C1 – Facility Stratification Plan -C1 – 1st Shift Roster A and B -D1 - Logbook Pages Documenting Unannounced -Interviews <p>115.13 (a)</p> <p>The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determine the need for video monitoring, facilities shall take into consideration:</p> <ul style="list-style-type: none"> • Generally accepted detention and correctional practices. • Any judicial findings of inadequacy; • Any finding of inadequacy from Federal investigative agencies; • Any findings of inadequacy from internal or external oversight bodies; • All components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated); • The composition of the inmate population; • The number and placement of supervisory staff; • Institution programs occurring on a particular staff; • Any applicable State, or local laws, regulations, or standards; • The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and • Any other relevant factors. <p>The reviewed Georgia Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program., A. Prevention Planning, Paragraph 3, requires each facility to develop, document and make its best efforts to comply on a regular basis with the established staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring to protect inmates against sexual abuse. Facilities are required to document and justify all deviations on the Daily Post Roster. Annually, the facility, in consultation with the department’s PREA coordinator, assesses, determines, and documents whether adjustments are needed to the established staffing plan and deployment of video monitoring systems. Policy requires unannounced round and these rounds are</p> |

required to be documented in the Duty Officer Logbook.

A review of the Phillips State Prison PREA Staffing Plan consists of the following:

Total 251:

- Administration – 5
 - Administrative Assistant
 - Secretary
 - Human Resource Manager
 - Human Resource Tech
- Security – 134
 - Deputy Warden of Security
 - Secretary
 - Unit Managers
 - Captain
 - Lieutenants – 2
 - Sergeants - 19
 - Correctional Officers- 97
- Care and Treatment – 4
 - Deputy Warden of Care and Treatment
 - Secretary
 - Record Room Clerk
 - Chaplain
- Mental Health – 25
 - Mental Health Director
 - Mental Health Secretaries – 2
 - Clinical Director
 - Staff Psychologist
 - Psychiatrists
 - Mental Health Counselors – 14
 - Activity Therapists- 4
- General Population Counseling – 8
 - Behavior Health Supervisor
 - Behavior Health Counselor 1
 - Behavior Health Counselor II – 5
 - Behavior Health Counselor III
- Medical – 21
 - Health Service Administrator
 - Medical Director
 - Nurse Practitioner – 2
 - Director of Nursing
 - Registered Nurses (RN) 5
 - Licensed Practical Nurses (LPN) 4
 - Medical Record Clerks – 3
 - Pharmacy Techs - 2
- Dental – 3
 - Dentist
 - Dental Assistant

- Hygienist
- Vocational Trades – 5
- Auto Body Instructor
- Auto Mechanic Instructor
- Wood Shop Instructor
- Welding Instructor
- Small Engine Instructor
- Education – 3
- GED Instructor
- Special Education Instructor
- Media Specialist
- Charter School – 33
- Site Director
- Assistant Director
- Counselors – 2
- Student Support Staff – 3
- Instructors – 22
- Special Education Instructors- 3
- Tutor- 1
- Georgia State University – 10
- Site Directors – 2
- Director Writing Support/Studio
- Professors 7
- Truett McConnell University – 2
- Professors – 2
- Business Office – 7
- Deputy Warden of Administration
- Secretary
- Financial Ops Generalist – 3
- Property Supply/Warehouse Tech
- Supply/Warehouse Worker
- Maintenance – 5
- Facility Engineer
- Trades Tech Supervisor
- General Trades Tech II – 3
- Food Service – 7
- Food Service Director
- Assistant Food Service Director
- Food Service Associates - 5

A review of the Phillips State Transitional Center PREA Staffing Plan consists of the following:

Staffing Analysis: Phillips Transition Center has 30 staff. Both 1st and 2nd shift have 2 officers and 1 sergeant, split shift has 1 Lieutenant and 2 officers assigned. This gives Phillips Transition Adequate coverage for required post; Phillips Transition Center followed the approved staffing analysis.

Interviewed Staff (Agency/Regional): The director of operations was asked how the department determines the staffing levels for each facility to ensure adequate staffing. He

described the process for conducting staffing analyses conducted by staff trained by the National Institute of Corrections in conducting staffing analyses. Every 3-5 years the team conducts a review of the facility determining the numbers of Priority 1 Posts, Priority 2 Posts, and Priority 3 Posts.

The director was also asked if the agency had contingency plans to deal with critical staff shortages, and what those plans might be? He indicated that the agency has contingency plans for critical staff shortages, and these include the use overtime hours for staff from the facility to pull additional shifts or hours, bringing staff in from other facilities to pull posts and lastly, the agency may call in special teams from the Special Operations Division, who can be brought in to cover posts during staffing shortages.

Interviewed Staff: The facility's Warden indicated that the facility has a staffing plan. He affirmed the plan has adequate staffing levels to protect inmates against sexual abuse and that staffing levels and the deployment of staff are considered in developing the staffing plan. Video monitoring is part of the plan. Priority one posts are covered 24/27 hours 7 days per week. Staffing plans are documented using GDC SOP 208.06 Attachment 11. The warden also indicated that when assessing adequate staffing levels and the need for video monitoring, they consider all the requirements listed above.

115.13 (b)

In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.

Interviewed Staff: The Warden indicated that when assessing adequate staffing levels, the PREA staffing plan considerations are taken into account. The Facility PREA staffing plan covering all staffing details.

Interviewed Staff: The Warden indicated that compliance with the staffing plan is checked by monitoring daily shift roster for adequate post coverage. The warden also indicated, when asked, that the facility documents instances of non-compliance and provides explanations for non-compliance, if they occurred.

Interviewed Staff: The Superintendent indicated that the facility is in compliance with the staffing plan and it is checked by monitoring daily posters.

Interviewed Staff: The facility PREA compliance manager indicated that the facility staffing plan consider to enhance the supervision and monitoring of the offenders, which the facility shall document and make its best efforts to comply on a regular basis with the established staffing plan that provides for adequate levels of staffing and video monitoring to protect offenders against sexual abuse.

115.13 (C)

Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by standard 115.11, the agency shall assess, determine, and document whether adjustments are needed to:

- The staffing plan established pursuant to paragraph (a) of this section.
- The facility's deployment of video monitoring systems and other monitoring technologies; and

-The resources the facility has available to commit to ensure adherence to the staffing plan.

The staffing plan includes the use of video monitoring and this facility has approximately 30 cameras in each building housing inmates, with the exception of medical, living units and other cameras.

The facility has an operational manual which is the authoritative guidebook that describes the detailed processes and system utilized by Care & Treatment staff, identifying the services provided to the offender population. The operational manual has 38 sections. Section 36 covers "PREA Compliance Process".

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, are you consulted regarding any assessments of, or adjustments to, the staffing plan for this facility? How often do these assessments happen?

The PREA Coordinator has worked diligently to develop a prototype to assist facilities in developing staffing plans that meet all the criteria required by the standards. Staffing Plans are comprehensive and thorough. The PREA Coordinator stated in an interview that staffing plans are reviewed by the PREA Coordinator(s) for the need for any changes or modifications to the plan. These reviews are done, according to the PREA Coordinator, at least annually.

115.13 (D)

Each agency operating a facility shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit staff from alerting other staff member that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility.

Unannounced rounds are part of the staffing plan. Unannounced rounds are required to be conducted weekly by supervisory staff, including sergeants, lieutenants, captain, institutional duty officers, and warden. Staff are prohibited from alerting staff when they arrive at the facility for duty rounds. In addition to reviewed unannounced rounds conducted by supervisory staff while on duty, the auditor reviewed pages from the Duty Officer's Log confirming unannounced rounds being conducted.

The auditor reviewed 29 log pages of unannounced rounds.

The auditor reviewed 11 pages of unannounced rounds for Phillips Transition Center.

Concern 1: Unannounced Rounds

Policy and the facility Staffing Plan requires:

"Unannounced rounds by supervisory staff, with the intent of identifying and deterring sexual abuse and sexual Harassment, are required to be conducted every week, including all shifts and all areas. These rounds will be documented in the area log books. In addition, the institutional Duty Officer is required to conduct and document unannounced rounds at least once per week in all areas. These rounds will be documented in the local Duty Officer Log book."

The facility provided the auditor with logbooks pages documenting unannounced rounds for the inmate dorms. However, the facility did not provide documenting of conducting unannounced rounds in the kitchen, medical, intake, laundry, etc. And the rounds should have more details of what is going as it relates to PREA.

PREA Coordinator Response: Although the standard does not specify what areas of the facility, specifically, that unannounced rounds should occur. Based on the overall PREA standards, the GDC PREA Coordinator interprets areas to be “anywhere an inmate has access to.” CAP: Warden to issue a directive advising staff to conduct rounds in all areas that inmates have access to.

Although the GDC PREA Coordinator agrees that documentation of rounds should be more detailed, standard 115.13 (d) does not require detailed documentation, it only requires that the act of making unannounced rounds is documented. CAP: The CAP to rectify the missing areas above (kitchen, medical, intake, laundry, etc....) will suffice for this request.

The facility provided the auditor with the requested unannounced rounds from the logbooks with different areas.

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| 115.14 | Youthful inmates |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC Policy 211.05, Procedures for Housing Offenders Under 18 Years of Age (Juvenile) In GDC Custody -A1 - List of inmates (youthful) offenders (None) -A1 - Youthful Offenders (None) -Interviews <p>115.14 (a)</p> <p>A youthful inmate shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other common space, shower area, or sleeping quarters.</p> <p>GDC Policy 211.05, Procedures for Housing Offenders Under 18 Years of Age (Juvenile) In GDC Custody states, GDC shall house juvenile offenders in designated PREA compliant housing units at Al Burruss CTC (males), Coastal State Prison (MH III males), Augusta State Medical Prison (MH IV males) and Lee Arrendale State Prison (females).</p> <p>Observations: Youthful offenders were not observed during the tour of the facility. Nor were youthful offenders among the randomly selected or special category inmates who were interviewed.</p> <p>Youthful inmates were not housed at this facility during the audit period.</p> <p>115.14 (b)</p> <p>In areas outside of housing units, agencies shall either:</p> <ul style="list-style-type: none"> -Maintain sight and sound separation between youthful inmates and adult inmates, or -Provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact. <p>GDC Policy 211.05, Procedures for Housing Offender Under 18 years of Age (Juvenile) In GDC Custody states, juvenile offenders shall not be placed in a housing unit in which they shall have sight, sound, or physical contact with any adult offender through use of a shared dayroom or tother common space, shower area, or sleeping quarters.</p> <p>GDC policy also states that in areas outside of housing units, juvenile offenders shall maintain sight and sound separation from adult offenders, or there shall be direct staff supervision when juvenile offenders and adult offenders have sight, sound, or physical contact.</p> <p>115.14 (c)</p> |

Agencies shall make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful inmates daily large-muscle exercise and any legal required special education services to comply with this provision. Youthful inmates shall also have access to other programs and work opportunities to the extent possible.

GDC Policy 211.05, Procedures for Housing Offender under 18 years of Age (Juvenile) In GDC Custody states, the housing unit shall be single or double bunk cell design whenever possible. However, this does not mean to place juvenile offenders in isolation.

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| 115.15 | Limits to cross-gender viewing and searches |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A2 - Documentation of Cross-gender Strip -B1, 2, 3, 4 - GDC Policy 226.1 Searches -D1, D2 - GDC Policy 208.07, Bodily Privacy -Announcing Staff Presence -D1, D2 - GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders -Interviews <p>115.15 (a)</p> <p>The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.</p> <p>This facility houses adult male inmates and is staffed with male and female officers providing direct supervision in the living units. Female staff are prohibited from conducting searches absent “exigent” circumstances. They are allowed to conduct “frisk” searches and have been trained to use the back of their hands in conducting a “frisk” search.</p> <p>Georgia Department of Corrections (GDC) Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, prohibits cross-gender strip or visual body cavity searches except in exigent circumstances or when performed by medical practitioners.</p> <p>GDC Policy 220.09 Classification and Management of Transgender and Intersex Offenders describes the following diagnostics procedures:</p> <ul style="list-style-type: none"> -An offender will initially be assigned to a diagnostics and classification facility by Offender Administration, appropriate to the assigned gender indicated in the Georgia Crime Information Center (GCIC). -When any offender arrives to a diagnostic facility staff must do the following prior to strip searches and showering: <ul style="list-style-type: none"> +Staff shall make the following notification statement to all offenders in a group, or to an individual offender if only one is present, “You are about to be strip searched. Before we do this, let us know if you have anything on you or about you, we need to know before the search. This can be possession of items you should not have or are not sure you should have, or it could be a physical disability or other physical issue. If you need to declare anything to us before you are strip searched, raise your hand.” +If an offender raises his or her hand, the staff shall pull that offender aside and privately ask |

the offender what the facility should know.

+The intent of this practice is to give the offender the opportunity to privately talk to a staff member if they choose to disclose, they are transgender or intersex.

+If the offender indicates he or she is transgender or intersex, staff must ensure he or she is allowed to shower separately.

+Strip searches and pat searches must be completed in accordance with section J of this policy.

-The Chairperson must enter the appropriate profile on the Transgender and Intersex Offender List (TIOL) in SCRIBE, which will include all intersex and transgender offenders in GDC custody.

Interviewed Inmates: Three (3) transgender inmates were interviewed. The interviewed inmates were asked, if they have been assigned in a housing area only for transgender or intersex inmates? All Three reported that they are not housed on a living unit solely for transgender or intersex inmates. All three inmates reported that they have not been stripped search solely for determining their genital status.

115.15 (b)

As of August 20, 2015, or August 20, 2017 for a facility whose rated capacity does not exceed 50 inmates, the facility shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. Facilities shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

GDC Policy 226.01, Searches, 1.d., requires that strip searches of females will be conducted by female correctional officers and that males will be strip searched by male correctional officers absent exigent circumstances (escapes, riot, etc.) and only if a same gender officer is not available. Cross gender searches in exigent circumstances are required to be conducted with dignity and professionalism. Search policy requires in the event of exigent circumstances searches of the opposite gender conducted under exigent circumstances must be documented on an incident report. This facility is an all-male facility.

115.15 (c)

The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches and shall document all cross-gender pat-down searches of female inmates.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 9, states, the facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female offenders via an incident report.

115.15 (d)

The facility shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the

opposite gender to announce their presence when entering an inmate housing unit.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 9, states, the facility shall implement procedures that enable offenders to shower, perform bodily functions, and change clothing without nonmedical staff members of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Offenders should only shower, perform bodily functions, and change clothing in designated areas (e.g. cells, shower rooms and bathrooms).

GDC Policy 208.07, Bodily Privacy, states, before an opposite sex staff member or visitor enters an area where inmates may be undressed, he or she will request that the correctional officer in charge announce that he or she will be entering the area.

Inmates will be allowed an appropriate amount of time to dress before the opposite sex staff member or visitor enters the area.

Additional measure required by policy is for staff of the opposite gender to announce their presence when entering an inmate housing unit. Notices are prominently posted advising inmates that female staff routinely work and visit inmate housing areas.

In the case of seclusion or restraint, inmates will be allowed to remain dressed unless contraindicated.

GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders states that if the offender indicates he or she is transgender or intersex, staff must ensure he or she is allowed to shower separately.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Staff were asked, are inmates able to dress, shower, and toilet without being viewed by staff of the opposite gender? All staff reported that inmates can dress, shower, and toilet without being viewed.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Interviewed staff were asked if they themselves or officers announced their presence when entering a housing unit that houses resident of the opposite gender. All staff reported that they announce themselves when entering housing units of the opposite gender.

Interviewed Inmates: Auditor associate interviewed a total thirty-one (31) inmates. Nineteen (19) were random interviews. Twelve (12) interviews were target population interviews. All reported that they have never been naked in full view of the male/female of the opposite sex.

Interviewed Transition Center Inmates: Twelve random residents and one targeted resident was interviewed. One hundred percent of the Residents (13) reported that they have never been or had staff of the opposite gender conduct pat-down searches nor been naked in full view of female staff.

115.15 (e)

The facility shall not search or physically examine a transgender or intersex inmate for the

sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 10, states, the facility shall not search or physically examine a Transgender or Intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. The provision does not limit searchers of offenders to ensure the safe and orderly running of the institution.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Staff were asked, are you aware of the policy prohibiting staff from searching or physically examining a transgender or intersex inmate for the purpose of determining that inmate's genital status? All staff were aware that medical staff makes the determination on inmates' genital status.

115.15 (f)

The agency shall train security staff in how to conduct cross-gender pat down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

The reviewed training module for annual in-service training deals with search procedures in Paragraph C., Search Procedures. The following are required as explained in the training module:

1. Staff must conduct searches in a professional and respectful manner (and never with the intent to harass or degrade the offender),
2. Male offenders may be pat searched by both male and female security staff,
3. Male offenders will only be searched by male security staff, except under exigent circumstances and are documented by an Incident Report,
4. Transgender and intersex offenders' gender designation will coincide with the prison assignment made during classification. Pat search techniques are then discussed and the use of the back of the hand are described for the trainee.

Staff are trained to conduct cross-gender searches in exigent circumstance. The auditor reviewed training rosters and an excel spreadsheet documenting Day 1 In-Service Training.

Interviewed Staff (Agency/Regional): The Public Safety Trainer III stated, when asked about search training indicated the following:

- Uniform staff are trained in Basic Correctional Officer Training (BCOT) on GDC's search policy. They are also trained on how to conduct pat and strip searches.
- Female staff are trained to conduct pat searches of males and females. In searching males, female staff are trained, he said, to search using the blade (back of the hand). While the GDC preference is that males pat search males, females are trained to conduct pat searches appropriately.

- Cross gender strip searches are prohibited, except in exigent circumstances. He described what could be considered an exigent circumstance.

When asked about searches of transgender inmates, that staff are trained in BCOT to ask questions of the inmate; and to search the inmate in a respectful and professional manner.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Random staff were asked if they received training on how to conduct cross-gender pat down searches and searches of transgender and intersex inmates in a professional and respectful manner. All staff answered yes, and that the training was conducted during POST Training and In-Service Training.

Concern 1: Inmate Safety in Showers and Blind Spots

During the facility site review, the auditor noted in Living unit G2, H2 no shower curtains on the top range and two shower curtains on the bottom range have shower curtains with solid panels. The showers are deep which can allow more than one inmate behind the curtain and staff may not know when monitoring.

PREA Coordinator Response: Facility will ensure that shower curtain panels are clear in the head area, solid for the breast and genital area and clear for the bottom leg area for all facility showers.

The facility provided the auditor with pictures of the shower curtain panels that was requested.

Concern 2: Transgender Woman

During the facility four the auditor informally spoke briefly with inmate x, inmate x voiced concerns regarding safety and showing. The auditor informed the inmate that she would be added to the formal interview list.

PREA Coordinator Response: Cannot provide CAP, no specifics safety and showering concerns.

Concern 3:

Auditor interviewed a total thirty-one (31) random Inmate interviews. Nineteen (19) were random interviews. Twelve (12) interviews were target interviews. All inmates reported that the staff announce their presence when entering the housing units. One inmate reported that he has knowledge of the older inmates paying the younger inmates to have sex for various items (i. e, drugs, food, cigarettes, money, and other forms of contraband). The inmate that reported the information stated that “hell, I have life in here and I may start doing sexual stuff that violates PREA laws”. The auditor strongly advised the inmate not to do anything to violate any laws (local, state, or federal). The inmate stated that the younger inmates are at the facility enrolled in the charter school, but they are being solicited sexually by older/seasoned inmates for sexual favors in exchange for contraband.

PREA Coordinator Response: No CAP can be provided as no specific standards or allegations are cited. The PREA Coordinator conducted a SART investigation on a similar issue with an anonymous letter to the auditor for this facility. The overall determination of that SART investigation was deemed unsubstantiated. Furthermore, willingly exchanging items for sexual favors, can be interpreted as a consensual act. Therefore, these allegations do not

meet PREA criteria.

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| 115.16 | Inmates with disabilities and inmates who are limited English proficient |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 103.63, Americans with Disabilities Act (ADA), Title II Provisions -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – 103.67 Limited English Proficiency (LEP) -B1 - Contract with Language Line Solutions -B1 - Instructions for Accessing Language Line -B1 – Memo: Language Line Number -B1 – List of Disabled Inmates (hearing impaired, visually impaired) -B1 – List of Inmates who are cognitively disabled -B1 – List of Inmates with Physical Disability (ies) -B1 – List of Non-English-Speaking Inmates (LEP) -B1 – TTY Machine (Memo) -B1 – TTY Using Your Super Print 442 Instructions -B1 - Quick Tips for Interacting with Persons with Disabilities -B1 – Telephonic Interpreter User Guide -PREA Poster (English and Spanish) -Interviews <p>115.16 (a)</p> <p>The agency shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency’s effort to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skill, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.</p> <p>GDC Policy 103.6, Americans with Disabilities Act (ADA), Title II Provisions definitions the following:</p> <ul style="list-style-type: none"> • Americans with Disabilities Act (ADA) – ensures that all individuals with disabilities are guaranteed the same rights and privileges as those without disabilities. • Qualified Interpreter – Someone who is able to interpret effectively, accurately, and |

impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to the person) using any necessary specialized vocabulary.

- Telecommunications Device for the Deaf (TDD also known as TTY) – An electronic device for text communication over a telephone line, that is designed for use by persons with hearing or speech difficulties. A tele-type writer.
- Mental Impairment – Any mental or psychological disorder to include, but not limited to, intellectual and developmental disabilities, organic brain syndrome, emotional or mental illness, traumatic brain injuries, and learning disabilities.
- Physical Impairment – Any physiological disorder or condition, to include but not limited to cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs). Cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

Department of Corrections Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, A. Prevention Planning, Paragraph 6, Inmates with disabilities and inmates who are limited English proficient, requires the local PREA compliance manager to ensure that appropriate resources are made available to ensure the facility is providing effective communication accommodations when a need for such an accommodation is known. It also prohibits the facility from relying on inmate interpreters, readers or other types of inmate assistants except in exigent circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first response duties or the investigation of the inmates' allegation.

The auditor documentation review included The Georgia Department of Corrections "Telephonic Interpreter User Guide". The User Guide is designed as a training resource for all Georgia DOC employees.

Overview of the "Telephonic Interpreter User Guide":

- Step 1: Call the toll-free telephonic interpretations hotline (1-800-444-6627).
- Step 2: Enter the Georgia DOC location's eight-digit Lionbridge PIN number.
- Step 3: Select the required language;
 - Press 1 for Spanish
 - Press 2 for Burmese
 - Press 3 for Vietnamese
 - Press 4 for Arabic
 - Press 5 for Nepalese
 - Press 6 for Korean
 - Press 7 for Mandarin
 - Press 8 for Creole
 - Press 9 for French
 - Press 10 for all other languages
- Step 4: Connect with an "live" interpreter

Interviewed Staff (Agency/Regional): The agency Head designee was asked if the agency established procedures to provide inmates with disabilities and inmates who are limited English proficient equal opportunity to participate in or benefit from all aspects of the agency's

efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

The Office of Professional Standards, Compliance Unit, has a Statewide ADA Coordinator who has established multiple contracts to ensure inmates with disabilities are able to participate fully in the agency's efforts to prevent sexual abuse. This is relevant to PREA in that when any issue arises regarding the need for any kind of interpretive services, the facility ADA Coordinator and PREA Compliance Manager have access to the Statewide Coordinator who can expedite interpretive services beyond those offered by Language Line, and these services, provided through multiple statewide contracts, include telephone, video, and on-site interpretive services.

Coordinator who serves as a resource person for accessing interpretive services for disabled or limited English proficient detainees and inmates. The Statewide Coordinator has required each facility to designate an ADA Coordinator in each facility. The ADA Coordinator has provided access to multiple statewide contracts for interpretive services for hearing impaired, visually impaired, or limited English proficient.

Interviewed Staff (Agency/Regional): An interview with the assistant PREA coordinator confirmed that he is available to assist facilities in securing an appropriate interpreter when needed to ensure a disabled or limited English proficient inmate has access to all aspects of the agency's PREA prevention, detection, reporting and responding program. The state has multiple contracts with interpretive services for an array of disabilities. He also discussed the ADA contracts that support the agency PREA initiatives.

Interviewed Inmate: One inmate was interviewed as disabled. The inmate stated the facility does provide information to the offender regarding sexual abuse and sexual harassment that he can understand. The offender reported that he arrived at the facility on June 28, 2001. The offender reported that in 2001 there was no such thing as PREA then. He reported that the facility has always provided a safe environment for him. He also reported that the facility and units are flooded with posters, pictures, instructions, the PREA phones, and other information to help anyone understand what PREA is and how to report sexual abuse or sexual harassment.

115.16 (b)

The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 11, states, the facility shall not rely on offender interpreters, offender readers, or other types of offender assistants except in exigent circumstances where and extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first response duties under 28 CFR 115.64, or the investigation of the offender's allegations.

The facility has a contract with Language Line Solutions for providing telephonic interpretive services. The instructions for accessing Language Line are posted. The facility also provided Statewide Contract Information Sheets for a variety of translation and interpretive services.

These included: Sign Language and Hearing and limited English proficiency interpreting (contact information is provided). The auditor reviewed the PREA Brochures in both Spanish and English. The agency also has an Americans with Disabilities Act coordinator. Interviews confirms the agency's contingency related to translation and interpretive services.

The facility has hired a mental health counselor that is bilingual and speaks Spanish. The staff has agreed to serve as a staff translator when necessary.

Interviewed Inmate: One inmate was interviewed as non-English speaking. The inmate reported that the facility provides information on PREA in English and Spanish. The inmate reported that he speaks a little English but can read the Spanish PREA signs all over the facility to understand how to report sexual abuse and sexual harassment.

The inmate also indicated that he can solicit help from Counselor if he needed assistance. He again reported that the Spanish PREA posters helps him understand the reporting process despite having limited English-speaking abilities.

115.16 (c)

The agency shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under standard, or the investigation of the inmate's allegations.

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| 115.17 | Hiring and promotion decisions |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - Three PREA Questions/Applicant Verification -A1, B1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -C1 - GDC Policy 104.12 Fingerprinting Employees -C1 – Fingerprint Documentation/ GCIC-NCIC -C1 - New Employees Background Checks -C1 - New Employees List -C1 -Full Time Employee List -C1 – Part Time Employee List -C1 – Part Time Background Checks -D1 - Contractors Background Check Clearance -D1 - Contractors List – Medical and Mental Health -E1 - Contractors Five Year Background Clearance -E1 - Staff Five Year Background Check Clearance (Annual Process) -PREA Acknowledgment Statements -Code of Ethics Acknowledgement -Professional Reference Checks -Integrity Meter -Interviews <p>115.17 (a)</p> <p>The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who:</p> <ul style="list-style-type: none"> • Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C 1997) • Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or • Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph a-2 of this section. <p>Department of Corrections Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, A. Prevention Planning, Paragraph 7, Hiring and Promotion Decisions, complies with the PREA Standards. DOC does not hire or promote anyone or contract for services with anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution defined in 42USC 1997; who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent; of who</p> |

has been civilly or administratively adjudicated to have engaged in the activity described in the above.

The required PREA Related Questions are documented on the GDC Form, Applicant Verification. The form affirms that the GDC must adhere to the United States Department of Justice Final Rule on the “National Standards to Prevent, Detect, and Respond to Prison Rape Elimination Act Standards. It then asserts that GDC may not hire or promote anyone who may have contact with inmates, inmates or offenders under supervision who answer “Yes” to any of the PREA related questions. These questions were:

1. Have you ever engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution?
2. Have you ever been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse? And
3. Have you ever been civilly or adjudicated to have engaged in the activities described?

The GDC Applicant Verification Form contains an acknowledgement that the applicant understands that if they do become subject to those prohibitions in their current or subsequent positions involving contact with persons in confinement or under supervision, they have an affirmative duty to report within 24 hours. They also are acknowledging that if they become involved in such activity, they are subject to termination and if they falsely certify their eligibility for employment, they are subject to termination or disqualification for employment for this falsification.

Security staff in Georgia are Peace Officers Standards Trained and Certified. To maintain that certification, they are required to qualify in firearms annually. Prior to being certified, each officer is required to have another background check.

GDC Policy 104.18 Obtaining and Using Records for Criminal Justice Employment states that the appointing authority will direct the applicants to disclose any disciplinary history involving substantiated allegations of sexual abuse. Supporting documents must be obtained prior to hiring. Also pursuant to the State Security Questionnaire, applicants must disclose any criminal charges, pending charges, and/or convictions prior to hiring. GDC shall consider hiring qualified ex-offenders.

Interviewed Staff: The Human Resources manager confirmed a thorough hiring process, including completing a consent to have a criminal records check and background investigation conducted, verifying they have not been involved in any PREA related incident as asked on the Applicant Verification Form, having a background check through the Georgia Crime Information Center and the National Crime Information Center, having a “social media” check conducted by the Criminal Intelligence Division, taking the newly implemented, “integrity test” and completing and reviewing the returned Professional Reference Checks, where applicable.

115.17 (b)

The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

Policy requires the department to consider incidents of sexual harassment in determining

whether to hire or promote anyone, or to enlist the services of any contractor who may have contact with inmates. Prior to hiring someone, the PREA Related Questions, must be answered. Criminal History Record Checks are conducted on all employees prior to hire.

Interviewed Staff: The Human Resources manager confirmed that the facility considers prior incidents of sexual harassment when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. A review of the documents also confirmed the practice in place.

115.17 (c)

Before hiring new employees, who may have contact with inmates, the agency shall:

- Perform a criminal background records check; and
- Consistent with Federal, State, and local law, make 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 of sexual abuse.

GDC Policy 104.12 Fingerprinting Employee states that as a condition of employment by the Georgia Department of Corrections (GDC), all employees, whether full-time or part-time, of GDC will be fingerprinted, either prior to, or immediately after, hiring. Such fingerprinting may be required even through the applicant or employee may have already undergone fingerprinting by another agency in Georgia or elsewhere. Fingerprint record searches which indicate falsification or withholding pertinent data applicable to employment requirements may result in denial of employment, adverse action, and/or prosecution.

Interviewed Staff: The Human Resources manager confirmed that the facility performs criminal record background checks and considers pertinent civil or administrative adjudications for all newly hired employees who may have contact with inmates and all employees, who may have contact with inmates, who are considered for promotions to include contractors. It was confirmed that background checks are completed prior to hiring staff to include state and contract employees, as well as when an employee is being considered for promotion.

115.17 (d)

The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 13, states, perform a criminal history record check before enlisting the services of any contractor who may have contact with offenders and at least every five years thereafter.

The GDC Office of Professional Standards requires that volunteers successfully complete a background investigation. As part of the application process, volunteers complete the Background Packet consisting of:

- Background Screening Packet
- Authorization for Release of Personal Information
- Personal History
- Criminal History

- Contraband/Personal Dealings/Sexual Contact
- Security
- Drug History
- Work/Volunteer History
- Certification That My Answers Are True

115.17 (e)

The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 12, states, perform a criminal history record checks on all employees and volunteers prior to start date and again within at least every five years. A tracking system shall be implemented at each local facility to ensure the criminal history checks are conducted within the appropriate time frames, according to policy, for each person with access to the facility.

GDC Policy 104.12 Fingerprinting Employee states that appointing authorities will ensure that all P.O.S.T. and non-P.O.S.T. certified positions have a fingerprint based Criminal History Record Check conducted every five (5) years from the date of hire.

115.17 (f)

The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.

Criminal History Record Checks are conducted prior to enlisting the services of any contractor who may have contact with inmates. Staff have an affirmative duty to report and disclose any such misconduct.

115.17 (g)

Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 12, states, material omissions regarding misconduct or the provision of materially false information shall be grounds for termination.

See section (c) response.

115.17 (h)

Unless prohibited by law, the agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

Professional Reference Checks are conducted. In addition to the PREA questions asked of applicants prior to hire and completed background checks, HR attempts to secure information from former employees related to the applicant. The form entitled, "Georgia Department of Corrections, Professional Reference Check, IV003-0001, and Attachment 5. After advising the former employer about the requirements to conduct background checks, the employer is asked to answer the following:

1. Are you aware of your employee of being involved in any allegation of sexual abuse that was found to be true or resigning during a pending investigation of any allegation of sexual abuse of sexual abuse before the investigation was finished?

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 13, states, unless prohibited by law, the Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. The Department complies with the Federal Privacy Act and Freedom of Information Act, and all other applicable laws, rules, and regulations.

Interviewed Staff: The Human Resources manager confirmed when a former employee applies for work at another institution, upon request from that institution, the facility provides information on substantiated allegations of sexual abuse or sexual harassment involving the former employee, unless prohibited by law. The facility will check with the agency legal office for guidance.

The auditor reviewed the following documentations (Phillips State Prison and Phillips Transition Center).

- Three PREA Questions/Applicant Verifications – 20
- Employees GCIC-NCIC Cleared/Approved Letters – 26
- Staff Initial Background Checks Clearance – 26
- Staff Five Year Background Checks Clearance for Security Staff – 46

Concern: Five Year Criminal Background Checks

Standard requires the agency to either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.

During a staff interview and through documentation requested, it was indicated and revealed that the facility is not conducting the 5-year background checks on non-security staff. Background checks are conducted on security staff every year.

PREA Coordinator Response: Warden will issue a directive to local HR to conduct background checks for non-security staff, as per standard. The PREA Coordinator suggested that the facility exceed this standard by conducting background checks for all staff, annually.

The facility provided the auditor with copies of the completed five years background checks.

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| 115.18 | Upgrades to facilities and technologies |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <p>-A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program</p> <p>-Interviews</p> <p>115.18 (a)</p> <p>When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency’s ability to protect inmates from sexual abuse.</p> <p>Department of Corrections Policy 208.6, Prisons Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, A, Prevention Planning, Paragraph 8, requires all new or existing facility designs and modifications and upgrades of technology will include consideration of how it could enhance the department’s ability to protect inmates against sexual abuse. The PREA coordinator must be consulted in the planning process.</p> <p>Interviewed Staff (Agency/Regional): The agency Head designee was asked, when designing, acquiring, or planning substantial modifications to facilities, how does the agency consider the effects of such changes on its ability to protect inmates from sexual abuse?</p> <p>Staff stated that prior to any modifications of existing facilities or construction of new facilities, multiple levels of staff are consulted and given the opportunity for input. Protecting inmates from sexual assault is given the highest priority. The PREA Unit would be involved to provide guidance and make recommendations related to PREA.</p> <p>Interviewed Staff (Agency/Regional): An interview with the director of Operations indicated that for facilities needing some form of modification or expansion or when there are plans for a new facility, PREA is given the highest consideration. This is accomplished through the involvement of a multitude of division staff. He stated all divisions are involved. They include the PREA Unit, who will make recommendations based on PREA considerations. It will also include the ADA staff who will make recommendations for compliance with ADA requirements.</p> <p>Interviewed Staff: The warden indicated that the facility considered the effect of the expansion or modification upon the facility’s ability to protect inmates from sexual abuse?</p> <p>The warden indicated that there has been no expansion or modification to the facility since last PREA audit. However, if there were expansion or modifications, he and his team would consider the effect of sexual abuse by reviewing the recommended designed.</p> <p>Interviewed Staff: The superintendent indicated that the facility considered the effect of the expansion or modification upon the facility’s ability to protect inmates from sexual abuse.</p> <p>115.18 (b)</p> |

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect inmates from sexual abuse.

Interviewed Staff (Agency/Regional): The agency Head designee was asked; how does the agency use monitoring technology (either newly installed or updated) to enhance the protection of inmates from incidents of sexual abuse?

Staff indicated that the PREA Unit would be consulted, along with other disciplines to provide their input related to the deployment of video cameras and equipment and monitoring technology and updates.

Interviewed Staff (Agency/Regional): The Agency's Director of Operations, in an interview indicated that cameras are important. He indicated that a camera project, that may be upgrading an existing system or installing new cameras and systems, will cost approximately 1,000,000 dollars. Prior to adding cameras or modifying systems facility staff and agency staff will have input. There is a strategic plan prioritizing facility based on need.

Interviewed Staff: The warden indicated that the facility will use video monitoring as a constant measure of monitoring offender movement as a deterrent and to investigate allegations of sexual abuse reports by offenders.

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| 115.21 | Evidence protocol and forensic medical examinations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – VH85-0002 Medical Management of Sexual Assaults, Abuse or Harassment -A1 - SOP 103.06 Investigations of Allegations of Sexual Contract, Sexual Harassment of Offenders -C1 – PREA Medical Log # of SANE/Forensic Exam Conducted -C1 - SANE Nurse Call Roster -C1 - SANE’s List (All Nurses) -C1 – Procedure for SANE Evaluation Forensic Collection -C2 - GDC Policy VH07-001 Health Services, E, Medical Services Deemed Necessary Exempt from Fee -D1 – Memo: Outside Rape Crisis Center -D3 - Memo: Designating Staff as the Facility Based Staff Advocate -D3 – List or Documentation that the Designated Facility Based Staff Advocate has seen Inmates- -Memo: Designating Members of the Sexual Assault Response Team -Interviews <p>115.21 (a)</p> <p>To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for an obtaining usable physical evidence for administrative proceedings and criminal prosecutions.</p> <p>GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 14 describes the agency’s expectations regarding the evidence protocols and forensic examinations. Facilities are required to follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceeding and criminal prosecutions. These procedures are covered, GDC’s response to sexual assault following the US Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents”. The department requires that upon receiving a report of a recent incident of sexual abuse, or a strong suspicion that a recent serious assault may have been sexual in nature, a physical exam of the alleged victim is performed, and the Sexual Assault Nurse Examiner’s (SANE) protocol initiated.</p> <ul style="list-style-type: none"> • Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison. <ul style="list-style-type: none"> o PREA Investigative Summaries – 29 o PREA Disposition Offender Notifications - 30 o Sexual Abuse Incident Review Checklist (30 days Review) -20 |

- o Sexual Allegation Response Checklist - 27
 - o SART Investigation Checklist – 17
 - o PREA Initial Notifications – 29
 - o Incident Reports – 33
 - o Refusal of Treatment Against Medical Advice Document – 1
 - o Offender Grievance (PREA Related) – 1
 - o SART Report Consent (SANE) – 4
 - o Supplement Reports – 32
 - o Use of Force/Serious Incident Reports – 32
 - o Witness Statements – 32
 - o Offender Personal Data Summary – 29
 - o Disciplinary Report – 2
 - o Evidence/Chain of Custody – 5
 - o Triage and Medical Screening (SANE) – 5
 - o Medical PREA Log - 5
- Investigation Packages – Phillips Transitional Center (None)

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Staff were asked, do you know and understand the agency’s protocol for obtaining usable physical evidence if an inmate alleges sexual abuse? All staff reported the process and protocol for securing the scene and preserving physical evidence. Some discuss the first responder protocol.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Staff were asked, do you know who is responsible for conducting sexual abuse investigations? All staff reported that the DWCT (PREA Compliance Manager) is responsible for conducting sexual abuse allegations at the facility.

115.21 (b)

The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 14, states, when there is a report of an incident of sexual abuse that was alleged to have occurred within the previous 72 hours, or there is a strong suspicion that an assault may have been sexual in nature, a physical examination of the alleged victim shall be conducted to determine if immediate medical attention is necessary and if the SANE protocol should be initiated, (Attachment 5, Procedure for SANE Evaluation/Forensic Collection). The SANE examination shall be provided at no cost to the offender. Physical evidence from the suspected perpetrator (s) will be collected and may also include an examination. Offender consent must be collected and may also include an examination. Offender consent must be obtained prior to initiating the SANE protocol, in accordance with policy 507.04.85 Informed Consent.

115.21 (c)

The agency shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provided SAFEs or SANEs.

GDC Policy VH07-001 Health Services, E., Medical Services Deemed Necessary Exempt from Fee, requires that medical care initiated by the facility is exempt from health care fees.

The department has promulgated a Local Procedure Directive encompassing the procedures related to responding to victims of sexual assault and the victim is provided the opportunity for a forensic exam as soon as possible. Forensic exams are provided at no cost to the victim.

Investigations are initiated when the Sexual Assault Response Team (SART) leader is notified of an actual or allegation of sexual/abuse or sexual harassment. The SART initially investigates to determine if the allegation is PREA related. If there is a sexual assault, the SART leader informs the warden/superintendent who (or designee) contacts the Office of Professional Standards (OPS) investigator who will respond to conduct the criminal investigation. OPS is the office with the legal authority and responsibility to conduct investigations of incidents the victim and requiring the alleged perpetrator not to take any actions that would degrade or eliminate potential evidence and securing the area or room where the alleged assault took place and maintaining the integrity of evidence until the OPS investigator arrived.

The OPS investigator may order a forensic exam. If a forensic exam is ordered, the facility's nurse or Health Services Administrator/designee uses the Sexual Assault Nurse Examiner's List and contacts them to arrange the exam. The list, entitled, "SANE Nurse Call Roster" with contact information for Satilla SANE Nurse Group was posted, provided to the auditor, and reviewed.

The Satilla SANE Nurses consists of four registered nurses and an advocate. The SANE Nurses use a uniform protocol for collecting evidence. Upon completion of the exam the "rape kit" would be turned over to the OPS investigator. If the OPS investigator has not arrived, the SART leader secures the rape kit and initiates the chain of custody following a forensic exam.

Interviewed Inmate: The auditor interview three (3) inmates that reported sexual abuse and received outside services for sexual abuse. Two inmates reported seeing the SANE nurse and having a rape kit completed. One (1) reported at another facility.

Interviewed Staff (Statewide): The lead SANE nurse indicated that the "Sexual Assault Response Team" has a contract with the Georgia Department of Corrections to provide SANE and advocacy services to all prisons, transitional centers and other treatment centers.

The lead SANE nurse indicated that examiners will respond to the facility where the exam will be conducted. She confirmed the forensic exam is conducted in private, most often with two SANEs, one of whom serves as an advocate for the inmate, explaining the process and providing emotional support.

The lead SANE nurse also indicated that all Sexual Assault Nurse Examiners have completed their 40-hour DIDA-CTIC training and completed the requirements for check off exams. Each

nurse has continued their training through various means. They are updated through the National Sexual Assault Violence Resource Center with trainings, Annual PREA Trainings with the Georgia Department of Corrections, staying abreast of new National Sexual Assault Protocol and the International Association Forensic Nurses Standards. They meet monthly for peer review and discuss and new changes in protocols.

According to the lead SANE nurse, if they are not available the facility medical staff confirmed that if an inmate alleges sexual assault he will be brought to medical for initial assessment. If there were serious injuries, the inmate will be taken to the hospital for treatment and the forensic exam will be conducted at the hospital. Medical will send a rape kit along with the transporting officer.

The facility maintained a Medical PREA Log of all forensic exams. This log includes the following information:

1. Logs the date of the incident,
2. Reported within 72 hours,
3. Transport to ER,
4. Inmate consent signed,
5. SANE notified,
6. Time notified,
7. Date Exam Scheduled,
8. Date Exam completed,
9. Time SANE arrived,
10. SANE Conducting the Exam,
11. Company Chain of Command for Rape Kit, and
12. Date the rape kit is accepted by security.

115.21 (d)

The agency shall attempt to make available to the victim an advocate from a rape crisis center. If a rape crisis center is not available the agency shall make available to provide these services, a qualified staff member from a community-based organization, or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 1400043, to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

GDC policy requires the PREA compliance manager to attempt to enter into an agreement with a rape crisis center to make available a victim advocate to inmates being evaluated for the collection of forensic evidence. It also requires an administrative or criminal investigation of all allegations of sexual abuse and sexual harassment. Allegations involving potentially criminal behavior will be referred to the Office of Professional Standards (OPS).

Gwinnett Sexual Assault Center: There is a Memorandum of Understanding between Gwinnett Sexual Assault Center, Inc. (GSAC) and Phillips State Prison to facilitate an agreement between the parties for services related to the goals and implementation of federal Prison Rape Elimination Act (PREA) mandates.

Gwinnett Sexual Assault Center, Inc. is a Georgia Criminal Justice Coordinating Council certified sexual assault victim assistance agency and a member of the Rape, Abuse & Incests National Network (RAINN).

GSAC and Phillips State Prison are working together to identify the specific needs of Phillips State Prison and outline an appropriate and effective response that comports with PREA and aids Phillips State Prison in compliance of same.

GSAC agrees to:

- Respond to requests from Phillips State Prison official or inmates/residents for victim advocacy services such as: responding to GSAC Crisis Line calls; providing crisis intervention and information/community referrals; respond to correspondence received at the GSAC Post Office Box 1329 Duluth, GA 30096.
- Communications will be in as confidential a manner as possible, pursuant to the Phillips State Prison policies and procedures, Georgia law and mandatory reporting laws.
- Communicate any questions or concerns to the Phillips PREA coordinator.
- Provide training to Phillips State Prison Staff.

Interviewed Staff: The PREA compliance manager was asked, in what ways does the agency or facility attempt to make available a victim advocate from a rape crisis center? She indicated that the Gwinnett Sexual Assault Center provides a victim advocate if needed.

Interviewed Staff: The PREA compliance manager was asked, if a rape crisis center provides victim advocate services, how do you ensure that it meets the qualification described in standard? She indicated that the facility has a contract or MOU to comply with the standard.

Interviewed Transition Center Staff: The PREA compliance manager regarding the available of victim advocate from a rape crisis center. Gwinnett Sexual Assault Center provides a victim advocate if needed.

115.21 (e)

As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

The facility's Sexual Assault Response Team (SART) investigates allegations of sexual assault and sexual harassment. Multiple staff are educationally and professionally qualified to serve as a qualified staff advocate. The Mental Health director is professionally licensed and a member of the SART.

The facility has mental health staff, including licensed professional counselors and Masters' level Social Work staff, who can serve as a victim advocate in the absence of an outside advocate or who can accompany the inmate during any forensic exam, if requested. The facility also has general population counselor who has been trained to serve as a victim advocate. Documentation was provided confirming this online training.

Interviewed Inmates: Three inmates that reported sexual abuse were interviewed.

Interviewed inmates were asked if, when they reported sexual abuse did the facility allow them to contact anyone. Two of the three inmates interviewed reported that they did not contact anyone. One inmate reported that he contacted his family member (father).

115.21 (f)

To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

See Section (a) response.

115.21 (g)

The requirements of paragraphs (a) through (f) of this section shall also apply to:

- Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and
- Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

See Section (a-f) responses.

115.21 (h)

For the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

The facility provided the auditor with a Certificate of Completion of the Victim Assistance Training Online Advocacy. This certificate credits the staff taking the course with .5 training hour from the Office for Victims of Crime Training and Technical Assistance Center. There were three staff completing the training to serve as facility staff advocate. The facility provided the auditor with a memo providing the name of the designated PREA Sexual Assault advocate for the facility.

The facility provided the auditor a memo entitled– Victim Advocate Expectations. According to the memo when a facility is unable to provide contract services to sexual abuse victims from outside resources such as rape crises specialist, the agency’s SART compliance manager selects a qualified staff member to be the victim’s advocate. The victim’s advocate is there to assist victims of sexual abuse in making sure that they are not re-victimized by the system. Below are some of the possible requests a victim’s advocate will be expected to assist with:

1. Contacting outside resources, such as Crises Centers, in attempt to gain emotional support or outside mental health support for the inmate.
2. Accompanying the offender through the medical examination if he requests.
3. Assisting with getting call or visitor lists approved for emotional support.
4. Putting the offender in contact with outside resources when he is ready to be released so that he can continue all needed therapy and support.
5. Ensuring that the PREA guidelines and GDC policies are being followed during and after the

investigation in relation to the treatment and safety of the victim.

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| 115.22 | Policies to ensure referrals of allegations for investigations |
| | <p data-bbox="252 170 896 203">Auditor Overall Determination: Meets Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 592 360">Supporting Information:</p> <ul data-bbox="252 400 1377 602" style="list-style-type: none"> -A1 - Investigation Packages for the past 12 months --B1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -B1 – Policy IK01 -0006 Investigation of Allegation of Sexual Abuse -Interviews <p data-bbox="252 647 389 680">115.22 (a)</p> <p data-bbox="252 719 1433 792">The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.</p> <p data-bbox="252 835 1426 909">GDC Policy, 208.6, Prison Rape Elimination Act, requires that an administrative or criminal investigation is to be completed for all allegations of sexual abuse and sexual harassment.</p> <p data-bbox="252 952 1469 1068">Interviewed Staff (Agency/Regional): The agency Head designee was asked, if the agency ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse or sexual harassment?</p> <p data-bbox="252 1111 1481 1357">Staff related that the agency has a zero tolerance for any form of sexual abuse or sexual harassment and reports and allegations of sexual abuse and sexual harassment will be investigated in compliance with GDC Policy. Where allegations appear criminal, the allegation is referred to the Office of Professional Standards Special Agent in Charge, who will review the allegation and assign an investigator to conduct the investigation. If the allegations are founded, charges may be brought against either the staff or inmate.</p> <p data-bbox="252 1400 389 1433">115.22 (b)</p> <p data-bbox="252 1471 1485 1673">The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.</p> <p data-bbox="252 1715 1485 2132">Allegations that involve potentially criminal behavior will be referred for investigation by the Office of Professional Standards. If an investigation was referred to an outside entity that entity is required to have in place a policy governing the conduct of such investigations. The local Sexual Assault Responses Team is responsible for the initial inquiry and subsequent administrative investigation of all allegations of sexual abuse or sexual harassment with limitations. In cases where allegations are made against staff members and the SART inquiry deems the allegation is unfounded or unsubstantiated by evidence of facility documentation, video monitoring systems, witness statement or other investigative means, the case can be closed at the facility level. No interviews may be conducted with a staff member nor a statement collected from the accused staff without first consulting the Regional Special Agent</p> |

in Charge (SAC).

All allegations with penetration and those with immediate and clear evidence of physical contact, are required to be reported to the Regional SAC and the department's PREA coordinator immediately upon receipt of the allegations. If a sexual assault is alleged and cannot be cleared at the local level, the Regional SAC determines the appropriate response upon notification. If the response is to open an official investigation, the Regional SAC will dispatch an agent or investigator who has received special training in sexual abuse investigations.

Evidence, direct and circumstantial, will be collected and preserved. Evidence includes any electronic monitoring data; interviews with witnesses; prior complaints and reports of sexual abuse involving the suspected perpetrator.

When the criminal investigation pertaining to an employee is over it is turned over to the Office of Professional Standards to conduct any necessary compelled administrative interviews. The credibility of a victim, suspect or witness is to be assessed on an individual basis and not determined by the person's status as offender or staff member.

Offenders alleging sexual abuse will not be required to submit to a polygraph or other truth telling device as a condition for proceeding with the investigation of the allegation. After each SART investigation all SART investigations are referred to the OPS for an administrative review.

Interviewed Staff (Agency/Regional): An interview with the Inspector of the Criminal Investigations Division indicated that the agency policy requires that allegations of sexual abuse or sexual harassment be referred for investigation to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. He indicated that GDC maintains a certified Criminal Investigations Division staffed by Special Agents who are Peace Officer Standards Training (POST) Mandated with full statewide arrest powers.

115.22 (c)

If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

See Sections responses.

115.22 (d)

Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

GDC Standard Operating Procedure, IK01-006, Investigation of Allegations of Sexual Contact, Sexual Abuse and Sexual Harassment, thoroughly describes the expectations for reporting allegations including initial notifications, general guidelines for investigations and investigative reports. This policy asserts that allegations of sexual contact, sexual abuse and sexual harassment filed by sentenced offenders against departmental employees, contractors, vendors, or volunteers be reported, fully investigated, and otherwise treated in a confidential

and serious manner. Staff are required to cooperate with the investigation and GDC Policy is to ensure that investigations are conducted in such a manner as to avoid threats, intimidation, or future misconduct. Policy requires “as soon as an incident of, sexual contact, sexual abuse or sexual harassment (including rumors, inmate talk, kissing, etc.) comes to the attention of a staff member, the staff member is required to immediately inform the warden/superintendent, and/or the Institutional duty officer, and/or the Office of Professional Standards Unit verbally and follow up with a written report. Failure to report allegations of sexual contact, sexual abuse or sexual harassment may result in disciplinary action, up to and including dismissal.

The policy affirms the “Internal Investigations Unit” (Officer of Professional Standards) will investigate allegations of sexual contact, sexual abuse, and sexual harassment by employees, contractors, volunteers, or vendors. The investigations may include video or audio recorded interviews and written statements from victims, alleged perpetrator and any witnesses as well as all other parties with knowledge of any alleged incident, as well as known documents, photos or physical evidence.

Policy requires investigations to continue whether the alleged victim refuses to cooperate with the investigator and whether another investigation is being conducted and also even if the employee resigns during an investigation. The time limit for completing investigations is 45 days from the assignment of the case.

Facility-based investigations are conducted by a team of staff including a staff whose primary responsibility is to investigate, a staff whose primary role is mental health/staff advocate, and a medical staff. Upon receiving the complaint, the investigator initiates the investigation process.

- Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison.

- o PREA Investigative Summaries – 29
- o PREA Disposition Offender Notifications - 30
- o Sexual Abuse Incident Review Checklist (30 days Review) -20
- o Sexual Allegation Response Checklist - 27
- o SART Investigation Checklist – 17
- o PREA Initial Notifications – 29
- o Incident Reports – 33
- o Refusal of Treatment Against Medical Advice Document – 1
- o Offender Grievance (PREA Related) – 1
- o SART Report Consent (SANE) – 4
- o Supplement Reports – 32
- o Use of Force/Serious Incident Reports – 32
- o Witness Statements – 32
- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

- Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for

investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation's Overview includes the following information:

- o SART Investigator Summary
- o PREA Compliance Manager Comments
- o PREA Coordinator Comments
- o PREA Case Closed Details

The agency's investigation policy is provided via the agency website and third parties are provided information on how to report any PREA related allegation or complaint online. Third parties may also report via the Fraud and Abuse Hotline, with contact information provided on the website.

115.22 (e)

Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

N/A

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| 115.31 | Employee training |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - ACA Required Training Topics -A1 – Power Point PREA Training: What, Why, Who, and How -A1 – Power Point PREA Training 2020 -A1 – 2020 PREA Training Test -A1 – Staff Guide on the Prevention and Reporting of Sexual Misconduct with Offenders: Confidential Report Hotline -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -D1 - Certificates Documenting NIC Online Training Communicating Professionally with LGBTI Inmates -D1 - Certificates of Training – Annual In-Service Training -D1 - Day 1 In-Service Certificates of Training or Rosters -Interviews <p>115.31 (a)</p> <p>The agency shall train all employees who may have contact with inmates on:</p> <ul style="list-style-type: none"> • Its zero-tolerance policy for sexual abuse and sexual harassment. • How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. • Inmates’ right to be free from sexual abuse and sexual harassment. • The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment. • The dynamics of sexual abuse and sexual harassment in confinement. • The common reactions of sexual abuse and sexual harassment victims. • How to detect and respond to signs threatened and actual sexual abuse. • How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and • How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. <p>Georgia DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior Prevention and Intervention Program, C. Training and Education, requires annual training that includes the following: The Department’s zero-tolerance policy, how to fulfill their responsibilities under the sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures, inmates’ right to be free from sexual abuse and sexual harassment, the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment, the dynamics of sexual abuse and sexual harassment victims, how to detect and respond to signs of threatened and actual sexual abuse, how to avoid inappropriate relationships with inmates, how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender non-gender</p> |

conforming inmates, how to avoid inappropriate relationships with inmates and how to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment.

New employees receive PREA Training during the Pre-Service Orientation. Staff receive annual in-service training that includes a segment on PREA. In-service training considers the gender of the inmate population.

The PREA Acknowledgement Statements or rosters affirm the employee has received training on the Department's Zero Tolerance Policy on Sexual Abuse and Sexual Harassment and that they have read the GDC Standard Operating Procedure 208.06, Sexual Abusive Behavior Prevention, and Intervention Program. The statements also affirm they understand that any violation of the policy will result in disciplinary action, including termination, or that they will be banned from entering any GDC institution. Penalties for engaging in sexual contact with an offender commit sexual assault, a felony, is punishable by imprisonment of not less than one nor more, than 25 years, a fine of \$100,000 or both.

The auditor reviewed the following documentations.

- Day 1 In-Services Certificates of Training or the Training Rosters with 98 signatures.
- Certificate's documenting NIC Training Communicating Effectively with LGBTI Offenders - 30 certificates)
- PREA Staff Training Certificates – 70

The auditor reviewed the following documents at the Phillips Transition Center.

- Day 1 In-Services Certificates of Training or the Training Rosters 7.
- Certificate's documenting NIC Training Communicating Effectively with LGBTI Offenders – 4 certificates).

PREA compliance managers attend training at least twice a year. The Sexual Assault Response Team receives training on their roles in responding to allegations of sexual abuse at least twice a year. Specialized training is completed by SART members and medical staff.

In addition to the required PREA training the agency requires the following related ACA training topics.

- Responsibilities, rights, rules and regulations of employees
- Security responsibilities
- Sexual harassment
- Prohibitions concerning sexual harassment, religious prejudice, and minority rights
- Appropriate conduct with offenders and Offender supervision
- Security and safety plans and procedures
- Supervision of offenders
- Offender rights
- Interpersonal relations
- Communication skills of offender supervision
- Sexual abuse/assault/harassment intervention
- Supervision of offenders including training on sexual abuse and assault

Interviewed Staff (Agency/Regional): The interviewed Public Safety Trainer III described for the auditor the ways GDC Staff receive PREA Training. These ways included:

- Pre-Service Orientation (PSO) – Staff are trained at the facility prior to their attending Basic Correctional Officer’s Training. They are trained by a POST certified officer, known as a Field Training Officer (FTO). This training consists of 80 hours of training, including PREA. PREA training, he indicated, complies with the topic requirements of the PREA Resource Center, and consists of a two (2) hour training block.
- Basic Correctional Officer’s Training – Following PSO, uniform staff attend Basic Correctional Officers Training (BCOT). The PREA Training provided during BCOT consists of the DOC approved curriculum and is covered in a 2-hour block of training using the same curriculum used in PSO. That training is provided by a POST Certified Training Officer.
- Annual In-Service Training – All staff attend Annual In-Service Training. He indicated that staff would attend their first Annual In-Service training classes within 12 months of completing BCOT. In Annual In-Service Training, staff, he indicated, regardless of their position will receive a 2-hour block of PREA Training. The topics, he indicated, cover all the topics required by the PREA Standards.

115.31 (b)

Such training shall be tailored to the gender of the inmates at the employee’s facility. The employee shall receive additional training if the employee is reassigned from a facility that house only male inmates to a facility that houses only female inmates, or vice versa.

New employees receive PREA Training during the Pre-Service Orientation. Staff receive Annual In-Service Training that includes a segment on PREA. In-Service Training considers the gender of the inmate population.

See Section (a) response.

115.31 (C)

All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall provide each employee with refresher training every two years to ensure that all employees know the agency’s current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. All staff reported that they had PREA Annual In-Service training. All staff were able to verbally articulate the agency’s policy on cross-gender pat down searches. Many of the senior staff were very knowledgeable of the PREA standards and polices. A few of the staff had just completed POST training and was very aware of the policy.

115.31 (d)

The agency shall document, through employee signature or electronic verification that employees understand the training they have received.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 16, states, participation in training must be

documented through employee signature or electronic verification. Participation documentation will not that employees understood the training they have received by signing Attachment 1, Sexual Abuse/Sexual Harassment Prison Rape Eliminate Act (PREA) Education Acknowledgement Statement. This form shall be retained in the employee's local personnel file. At the conclusion of the training, employees are asked to seek additional supervisory direction, if necessary, to ensure understanding of the training.

The facility provided the training curriculum/lesson plan for Annual In-Service 2020, covering the topics required by the PREA Standards and more.

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| 115.32 | Volunteer and contractor training |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A2 - List of Contractors – Medical and Mental Health -A2 – Contractors Background Checks -A2 – Contractor Three PREA Questions -A2 - List of Volunteers -B1 – Volunteer Handbook -C1 – Contractor Acknowledgement Statements -C1 - Volunteer Acknowledgment Statements -C1 – Volunteer Education Agreement/ Acknowledgment Statement -Volunteers Background Check Clearance -Interviews <p>115.32 (a)</p> <p>The agency shall ensure that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response policies and procedures.</p> <p>GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 17, states, the Department shall ensure that all volunteers and contractors who have contact with offenders are provided with a copy of the policy and have been trained on their responsibilities under the Department’s PREA policies and procedures.</p> <p>The GDC Office of Professional Standards requires volunteers to successfully complete a background investigation. As part of the application process, volunteers complete the Background Packet consisting of the following:</p> <ul style="list-style-type: none"> • Background Screening Packet • Authorization for Release of Personal Information • Personal History • Criminal History • Contraband/Personal Dealings/Sexual Contact • Security • Drug History • Work/Volunteer History • Certification That My Answers Are True <p>The auditor reviewed the certified volunteer training memo. The memo is posted on the agency website. According to the agency, effective February 28, 2019, the Georgia Department of Correction will begin to receive volunteer applications online through the agency web-based site. The auditor reviewed 42 volunteers PREA Training Acknowledgement</p> |

statements.

The auditor reviewed the Volunteer Handbook dated March 2020. The handbook documented the requirements for “Mandatory Pre-Service Volunteer Certification Training”.

The mandatory Volunteer Certification Training consists of the following subjects:

- Overview of Corrections
- Overview of Reentry Services
- PREA (Prison Rape Elimination Act) Reporting requirement
- Games Offenders Play
- Role of Volunteer/Rule of Volunteer
- Code of Ethics and Conduct
- Standard Operating Procedures and Policies
- Sexual Harassment/Unlawful Harassment
- Sexual Misconduct
- Emergency Procedures
- Infectious Diseases
- Volunteer Forms

Interviewed Staff (Agency/Regional): An interview with the director of Chaplaincy Services and the volunteer coordinator indicated that the volunteer training has now been centralized to ensure consistency and also because many of the volunteers serve as volunteers in multiple Georgia prisons. The training curriculum for the centralized training is developed and delivered by Chaplaincy staff. Centralized delivery of training eliminates different information being shared with volunteers that provide services to multiple prisons.

Staff also indicated that the initial volunteer background checks are being conducted as a part of receiving the volunteer ID card this will allow volunteers to enter all facilities. It was also stated that volunteers must undergo a background check annually and complete a new PREA Acknowledgement Statement.

The PREA Acknowledgement Statement states, “I have received the appropriate training for my employee status in accordance with SOP 208.06, Sexually Abusive Behavior Prevention and Intervention Program. I understand the Department’s zero-tolerance for sexual abuse of offenders. I understand that I am not to engage in any behavior of a sexual nature with an offender and to report to a nearby supervisor if I witness such conduct or if someone reports such conduct to me. I further understand that my authorization to enter, visit, or work at a correctional institution where there are offenders is based on my agreement to comply with the Department’s policy on sexual abuse, and sexual harassment. I also understand that any violation of the policy will result in disciplinary action, including termination, or that I will be banned from entering any correctional institution. Finally, I understand that that engaging in sexual contact with an offender is a felony offense punishable by imprisonment of not less than one, nor more than 25 years, and a fine of \$1000,000., or both (O.C.G.A 16-6-5.1) I further understand that under O.C.G.A 16-6-5.1, an offender cannot consent to sexual activity with staff, contractors, or volunteers.

This is to acknowledge I understand the Department’s policy on Zero Tolerance of Sexual Abuse and Sexual Harassment of offenders. As a condition of employment, I will abide by the terms and conditions of this policy.”

115.32 (b)

The level and type of training provided to volunteers and contractors shall be based on the services they provided and level of contact they have with inmates, but all volunteer and contractors who have contact with inmates shall be notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Georgia DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 3, Volunteer and Contractor Training, requires all volunteers and contractors who have contact with inmates to be trained on their responsibilities under the department's PREA policies and procedures. This training is based on the services being provided and the level of contact with inmates, however all volunteers and contractors are required to be notified of the department's zero-tolerance policy and informed how to report such incidents. Participation must be documented and indicates understanding the training they received.

Information from the GDC Transitional Services coordinator explained to wardens that volunteers who participate in the volunteer training at Tift (Location of the GDC State Office) receive initial PREA training and have a background check completed.

The level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with the inmates. All volunteers and contractors who have contact with offenders are notified of the department's zero tolerance policy regarding sexual abuse and sexual harassment and informed on how to report such incidents. Documentation of that training is on the Contractor/Volunteer Acknowledgement Statement. The auditor reviewed 42 signed statements.

115.32 (c)

The agency shall maintain documentation confirming that volunteers and contractors understand the training they have received.

Documentation of the volunteer training is submitted to the deputy warden of Care and Treatment.

The agency requires all volunteers to sign a "Volunteer Service Agreement" that includes the Prison Rape Elimination Act (PREA) Notification. The notification includes the following language.

1. I understand that GDC has a zero-tolerance policy toward any sexual misconduct, sexual harassment, or sexual abuse between inmates and between inmates and staff or volunteers.
2. I understand that I am obligated to report all sexual abuse or sexual harassment between inmates or between inmates and staff or volunteers whether I observe the incident, or the incident is reported to me.
3. I understand that all romantic and/or sexual relationships and/or activities between an inmate and a volunteer are strictly prohibited even if the inmates give their consent and is a willing participant in the activity.

4. I understand that if I am suspected of engaging in a romantic or sexual relationship with an inmate, I will be terminated as a volunteer with the GDC and will be banned from all GDC facilities.

5. I understand that if I am suspected of engaging in a romantic or sexual relationship with an inmate, I will be referred to the appropriate law enforcement agency for a full investigation and possible criminal prosecution under Georgia law.

Interviewed Staff (Agency/Regional): An interview with the director of Chaplaincy Services and volunteer coordinator indicated that training the volunteer receives is put into SCRIBE, the GDC database/computer system. Upon completion of the training and a successful background check the volunteer is issued a “badge” that identifies his/her as having been cleared to come into a facility as a volunteer.

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| 115.33 | Inmate education |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC Policy 220.04, Offender Orientation -B1 – Know Your Rights – Offender PowerPoint -B1 – Walls Painted with PREA Information -B1 – Inmate PREA Acknowledgment (PREA Pamphlet) -E1 - Inmate Intake Checklist (PREA, Handbook, Language Line, TTY Machine, Right to Know Videos) -Intake Victim of Rape Form -F1 – Inmate Handbook (English and Spanish) -F1 – Inmate Receive of Handbook -F1 - Inmate Instruction/PREA Information on Kiosks -F1 - Inmate Instruction/PREA Information on Phones -F1 - Inmate Instruction/PREA on Tablets -F1 – Inmate PREA Brochures – Sexual Assault Sexual Harassment/How to Prevent it How to Report it -F1 - PREA Poster English and Spanish -Interviews <p>115.33 (a)</p> <p>During the intake process, inmates shall receive information explaining the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.</p> <p>Georgia DOC Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 4, Offender Education, requires notification of the GDC Zero-Training Policy for Sexual Abuse and Harassment and information on how to report an allegation at the receiving facility. This is required to be provided to every Inmate upon arrival at the facility. It requires in addition to verbal notification and offenders are required to be provided a GCD PREA pamphlet.</p> <p>The PREA Education included:</p> <ol style="list-style-type: none"> 1. The Department’s zero -tolerance of sexual abuse and sexual harassment. 2. Definitions of sexually abuse behavior and sexual harassment. 3. Prevention strategies the offender can take to minimize his/her risk of sexual victimization while in the Department Custody. 4. Methods of reporting. 5. Treatment options and programs available to offender victims of sexual abuse and sexual harassment. 6. Monitoring, discipline, and prosecution of sexual perpetrators. |

7. Notice that male and female routinely work and visit housing area.

The Inmate Handbook included:

1. Prisoner Grievances (pp. 21 – 25)
2. Foreign Consular Listing Direction (pg. 51)
3. PREA (pp. 65 – 67)
4. Disciplinary Violations (pp. 24 -44)

The Inmate Awareness and Education Brochure include:

1. Reporting is the First Step!
2. What to do if you've been sexually assaulted
3. What will happen to me if I make allegations knowing them to be false?
4. Examples of sexual assault
5. What is sexual assault?
6. Inmates: Call *7732
7. Probationers: Call 1 – 888-992-7849
8. The Department will not tolerate Retaliation
9. It is not your fault if you were sexually assaulted: Sexual assault is not part of your sentence!
10. Avoid Sexual Abuse

PREA Education is required to be provided in formats, accessible to all offenders, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as those with limited reading skills.

Inmate Education, according to GDC policy requires the facility to maintain documentation of offender participation in education sessions in the offender's institutional file. Policy requires that the following are posted in each housing unit:

1. Notice of male and female staff routinely working and visiting housing areas.
2. A poster reflecting the department's zero-tolerance (must be posted in common areas, as well as throughout the facility, including entry, visitation, and staff areas.

Inmates confirm their orientation on several documents:

1. Acknowledgement of having received the PREA Orientation (to include the PREA Video on sexual assault and sexual harassment).
2. Offender Orientation Checklist (documenting Sexual Abuse and Harassment and Viewed the PREA Video).

Interviewed Staff: Interviewed Intake staff was asked if they provide inmates with information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment? Staff indicated yes, that all offenders are provide with pamphlets and offender handbooks upon arrival. Offenders are also shown a video in order to provide necessary information. All inmates are required to sign that they received this information.

Interviewed Inmates: Auditor associate interviewed a total thirty-one (31) inmates. Nineteen (19) were random interviews. Twelve (12) interviews were target population interviews. All

but three (3) of the inmates reported that they were not made aware of PREA during intake.

All thirty-one (31) inmates knew how to report via the PREA Hotline. The staff and inmates were very clear about how to access the PREA Hotline and how to report via letter and privately.

Interviewed Transition Center Inmates: Twelve random residents and one targeted resident was interviewed. All of the interviewed residents recalled receiving information about the facilities rules against sexual abuse and sexual harassment. The interviewed residents stated that they either watched a video or received a handout. The residents further articulated that PREA information is located throughout the facility.

Interviewed Transition Center Inmates: Twelve random residents and one targeted resident was interviewed. The residents could recall going through the intake process a receiving PREA related information anywhere from between two days and within the same week. However, it should be noted that one resident stated that they did not recall the portion regarding you will not be punished or retaliated against for reporting.

115.33 (b)

Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Within 15 days of arrival, the policy requires inmates receive PREA education. The education must be conducted by assigned staff members to all inmates and includes the gender appropriate "Speaking Up" video on sexual abuse.

The initial notification and the education are documented in writing by signature of the inmate.

In the case of exigent circumstances, the training may be delayed, but not no more than 30 days, until such time is appropriate for delivery (i.e., Tier Program, medical issues, etc.). This education is documented in the same manner as for offenders who participated during the regularly scheduled orientation.

115.33 (c)

Current inmates who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility.

Interviewed Staff: The intake staff was asked, how do you ensure that current inmates, as well as those transferred from other facilities, have been educated on the agency's zero-tolerance policy on sexual abuse or sexual harassment? Staff indicated that by posting PREA posters throughout the facility including all dorms, during the day of intake a PREA pamphlet is given to all offenders, a PREA video is shown to all offenders, and they or the intake counselor at the time, verbally explain and express the importance of knowing the policy on PREA proper procedures to report PREA allegations. PREA education assessment is also given to each offender and recorded in Scribe.

115.33 (d)

The agency shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.

Interviewed Staff (Agency/Regional): Interviewed assistant agency PREA coordinator discuss information from the GDC Policy 103.6, Americans with Disabilities Act (ADA). He reviewed different contracts relating to ADA services.

GDC Policy 103.6, Americans with Disabilities Act (ADA), Title II Provisions definitions the following:

- Americans with Disabilities Act (ADA) – ensures that all individuals with disabilities are guaranteed the same rights and privileges as those without disabilities.
- Qualified Interpreter – Someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e. having the skill needed to convey information back to the person) using any necessary specialized vocabulary.
- Telecommunications Device for the Deaf (TDD also known as TTY) – An electronic device for text communication over a telephone line, that is designed for use by persons with hearing or speech difficulties. A tele-type writer.
- Mental Impairment – Any mental or psychological disorder to include, but not limited to, intellectual and developmental disabilities, organic brain syndrome, emotional or mental illness, traumatic brain injuries, and learning disabilities.

Physical Impairment – Any physiological disorder or condition, to include but not limited to cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs). Cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

115.33 (e)

The agency shall maintain documentation of inmate participation in these education sessions.

The inmate signs a PREA Acknowledgement and initials the Orientation Checklist affirming they viewed the PREA video, that they understood it and that they had the opportunity to ask questions. By signing the Video Acknowledgement, inmates affirm that they have viewed and understood the video on PREA. The form briefly tells the inmate if they need to make a report to dial “PREA” (7732) or report to a staff member. It tells the inmate to speak to a case manager or other staff if they have further questions. Inmates acknowledge their understanding on the Offender Orientation Checklist. The Checklist includes the following:

1. Classification, Disciplinary and Grievance Process.
2. Inmate Handbook.
3. Review of Rules, Regulations and Departmental Procedures.
4. How to access counselors, sick call, etc.
5. PREA Video.

Inmates acknowledge, by signature, that they received the formal orientation and were given the opportunity to ask questions and that they understand they will be accountable for any violations.

GDC Policy 220.04 Offender Orientation states that the A&O counselor will screen the institutional file and SCRIBE for each assigned offender within seventy-two hours of arrival to identify any special need (s) that require the attention of staff. Referrals will be made to appropriate staff/departments upon discovery of such need (s).

Policy also states offenders will be given information via the offender handbook upon arrival or within twenty-four (24) hours of arrival.

Policy requires each offender to sign GDC Policy 220.04 Offender Orientation Attachment 1, Offender Orientation Checklist, at the conclusion of the orientation session. The checklist will be filed in the offender's institutional file and retained in accordance with the retention schedule for the file.

The auditor reviewed the following documentations.

- Inmate Orientation Checklist – 75
- Inmate Education Roster – 55
- Inmate PREA Acknowledgement Statement – 75

The auditor reviewed the following documents for Phillips Transition Center.

- Inmate Orientation Checklist – 30
- Inmate Education Roster – 30
- Inmate PREA Acknowledgement Statement – 45
- Inmate Handbook Receipt – 30

115.33 (f)

In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to inmates through poster, inmate handbooks, or other written formats.

Inmates are provided PREA information on a continuous basis through posters reflecting the department's zero tolerance for sexual abuse and harassment and contact information for inmate reporting of sexual abuse allegations. The facility has PREA information painted on the walls in and continuously in view of inmates and staff.

During the intake process inmates are exposed to the streaming PREA video and are given a PREA brochure and talked about the zero-tolerance policy and how to report allegations of sexual abuse, sexual harassment, and retaliation. After receiving the PREA related brochure, the inmates sign the PREA Acknowledgement Sheet documenting receipt of the brochure.

Observation: During the facility site review, the auditor noticed PREA information painted on the walls.

See Section (e) response.



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| 115.34 | Specialized training: Investigations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – NIC Investigation Curriculum -C1 - NIC Certificates – Documenting National Institute of Corrections Training: Investigating Sexual Abuse in Confinement Settings -C1 – SART Training Power Point -C2 – Memo Designating PREA Facility Investigator -Interviews <p>115.34 (a)</p> <p>In addition to the general training provided to all employees pursuant to standard 115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.</p> <p>Georgia DOC Policy 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 5. Specialized Training Investigations, requires the Office of Professional Standards to ensure all investigators are appropriately trained in conducting investigations in confinement settings. That training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity Warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The department is required to maintain documentation of that training.</p> <p>In GDC facilities, the Sexual Assault Response Team (SART) is charged with conducting the initial investigation into issues related to PREA. Their role is to determine if the allegation is PREA related. If the allegation appears to be criminal in nature, the Office of Professional Standards investigators will conduct the investigation with support from the SART.</p> <p>The facility investigator completed the online NIC course: PREA: Investigating Sexual Abuse in Confinement Settings. A certificate was provided to confirm that training. In addition to the facility-based investigator completing the training, the PREA compliance manager completed it and provided a certificate confirming the specialized training. Additional staff lieutenants completed the training so that if something happened on their shifts in the absence of the facility-based investigator they could work with the SART to conduct the investigations.</p> <p>The facility provided the auditor with the following documentation:</p> <ul style="list-style-type: none"> • NIC Certificates – 2 (Work with the Transition Center) <p>The investigators are required to complete the SART Power Point Training, which includes requirements of information from standard 115.31.</p> |

- Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison.

- o PREA Investigative Summaries – 29
- o PREA Disposition Offender Notifications - 30
- o Sexual Abuse Incident Review Checklist (30 days Review) -20
- o Sexual Allegation Response Checklist - 27
- o SART Investigation Checklist – 17
- o PREA Initial Notifications – 29
- o Incident Reports – 33
- o Refusal of Treatment Against Medical Advice Document – 1
- o Offender Grievance (PREA Related) – 1
- o SART Report Consent (SANE) – 4
- o Supplement Reports – 32
- o Use of Force/Serious Incident Reports – 32
- o Witness Statements – 32
- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

- Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation’s Overview includes the following information:

- o SART Investigator Summary
- o PREA Compliance Manager Comments
- o PREA Coordinator Comments
- o PREA Case Closed Details

Interviewed Staff (Agency/Regional): An interview with the Public Safety Trainer III, when asked about the training for investigators stated that there is an investigator assigned to facilities. They attend, in addition to all GDC training, GBI (Georgia Bureau of Investigations) Mandate Training, and he thinks that course is 16 weeks in duration. Each region has an assigned Special Agent who attended all GDC Training and GBI Mandated Training.

When ask about the SART Training, he indicated that the PREA Unit usually provides the training for the SART. This training is in addition, to the other required training, specialized training for those responding to sexual abuse allegations.

Interviewed Staff (Agency/Regional): The interviewed Agency Inspector of the Criminal Division, when asked about the training for investigators, said that investigators from his office receive training specific to conducting sexual abuse investigations in confinement settings. The training includes child sex crimes and deviant behaviors exhibited through violent sexual tendencies. He also described crimes involving sexual acts, child pornography, and deviant sexual behavior.

115.34 (b)

Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The National Institute of Corrections (NIC) online training "PREA: Investigating Sexual Abuse in a Confinement Setting" includes the following topics:

1. Initial Response
2. Investigation
3. Determination of the findings
4. A Coordinated Response
5. Sexual Assault Response Team
6. A Systemic Approach
7. How Sexual Abuse Investigations Are Different
8. How Investigations in Confinement Settings Are Different
9. Criteria for Administrative Action
10. Criteria for Criminal Prosecution
11. Report Writing Requirements of an Administrative Report
12. Requirements for an Administrative Report
13. Requirements for a Criminal Report
14. The Importance of Accurate Reporting
15. Miranda and Garrity Requirement
16. Miranda Warning Considerations
17. Garrity Warning Considerations
18. The Importance of Miranda and Garrity Warnings
19. Medical and Mental Health Practitioner's Role in Investigations
20. PREA Standards for Forensic Medical Examinations

Interviewed Staff (Agency/Regional): An interview with the Inspector of the Criminal Investigations Division indicated the specialized investigation training included:

1. Techniques for interviewing sexual abuse victims,
2. Proper use of Miranda and Garrity warnings,
3. Sexual abuse evidence collection in confinement settings,
4. The criteria and evidence required to substantiate a case for administrative or prosecution referral.

Interviewed Staff: The facility investigator was asked, to describe the training specific to conducting sexual abuse investigations in confinement settings. They stated Miranda and Garrity warnings, inmates' rights, collection of evidence and referral process.

115.34 (c)

The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

The agency and facility provided the auditor with the NIC (National Institute of Corrections) certificates as documentation that the investigators have met all requirements of this

specialized training to conduct sexual abuse investigations in confinement settings.

115.34 (d)

Any State entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations.

NA

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| 115.35 | Specialized training: Medical and mental health care |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A2 – NIC Medical and Mental Health Curriculum -C1 - NIC Certificates – Documenting National Institute of Corrections Training: Medical Health Care for Sexual Assault Victims in Confinement Settings -C1 - SANE Nurse Call Roster -C1 - SANE’s List (All Nurses) -C1 – Procedure for SANE Evaluation Forensic Collection -GDC Policy 508.17, Identification of Offender with a History of Physical or Sexual Abuse -Interviews <p>115.35 (a)</p> <p>The agency shall ensure that all full and part time medical and mental health care practitioners who work regularly in its facilities have been trained in:</p> <ul style="list-style-type: none"> • 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 and to whom to report allegations or suspicions of sexual abuse and sexual harassment. <p>The Pre-Audit Questionnaire documented the mental health and medical staff completing the required specialized training. Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 6, Specialized Training; Medical and Mental Health Care, requires the GDC medical and mental health staff and GCHG staff are trained using the National Institute of Corrections (NIC) Specialized Training PREA Medical and MH Standards curriculum. Certificates of Completion are required to be printed and maintained in the employee training file. Staff also must complete GDC’s annual PREA in-service training.</p> <p>The National Institute of Corrections (NIC) online training Specialized training: Medical and mental health care includes the following topics:</p> <ol style="list-style-type: none"> 1. Detecting, Assessing, and Responding to Sexual Abuse and Harassment <ol style="list-style-type: none"> a. Sexual Abuse in Confinement Settings b. The Dynamics and Effects of Sexual Abuse c. Your Role in Responding to Sexual Abuse Incidents 2. Preserving Physical Evidence of Sexual Abuse 3. Reporting Allegations and Suspicions 4. High-Risk Inmates 5. Effects of Sexual Abuse |

6. Trauma and the Brain
7. Rape Trauma Syndrome
8. SART
9. Medical Screening
10. 115.21 Evidence protocol and forensic medical examinations
11. 115.35 Special training: Medical and mental health care
12. 115.61 Staff and agency reporting duties
13. 115.65 Mandates a Coordinated Response to Sexual Abuse Incidents
14. 115.81 Medical and mental health screenings; history of sexual abuse
15. 115.82 Access to emergency medical and mental health services
16. 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers.

GDC Policy 508.17 Identification of Offenders with a History of Physical or Sexual Abuse defines Specially Trained Counselor as any mental health counselor, or licensed clinical consultant (psychiatrist, Advanced Practice Registered Nurse (APRN), psychologist, social worker, counselor) who has successfully completed the Georgia Department of Corrections Sexual Assault Counseling Training Program or who has a comparable combination of training and experience approved by the Statewide Mental Health Program Supervisor/designee.

Interviewed Staff: The mental health staff were asked, have you completed the required PREA training? Staff indicated that they completed the GDOC sponsored training for evaluation and treatment of sexual abuse. This focused on identifying symptoms of trauma related to abuse and ways to treat these conditions. The training included 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. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. This is requirement for all mental health staff.

Interviewed Staff: Interviewed medical staff was asked how to preserve physical evidence of sexual abuse? Staff indicated that the inmate is instructed not to bathe, shower, eat, drink or floss. The inmate will be instructed to undress over a white sheet and all clothes and the sheet will be bagged and tagged separately in brown paper bags.

Staff was asked, how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? They indicated that the first responder should immediately secure the alleged victim in a safe zone, separating the victim and perpetrator; secure the scenes, lock down the dorm; call a supervisor.

Training received for harassment includes the definition which staff stated included the unwelcome sexual advances, request for sexual favors, and other verbal or physical harassment of a sexual nature. Training also includes that sexual orientation, religion, nationality and origin of inmate, every inmate has the right to be free from any and all abuse and harassment.

115.35 (b)

If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

The nurses at this facility do not conduct forensic examinations. The agency has contracts with Sexual Assault Nurse Examiners who would come to the facility to conduct the exam. The

facility provided the list of SANEs, which documents the contact information for the SANES. If an inmate required care beyond the scope of the Prison Medical Unit, the inmate will be transported to a local hospital where a medical doctor would conduct the sexual assault forensic exam.

Interviewed Staff (Statewide): The lead SANE nurse indicated that the “Sexual Assault Response Team” has a contract with the Georgia Department of Corrections to provide SANE and advocacy services to all prisons, transitional centers and other treatment centers.

The lead SANE nurse indicated that examiners will respond to the facility where the exam will be conducted. She confirmed the forensic exam is conducted in private, most often with two SANEs, one of whom serves as an advocate for the inmate, explaining the process and providing emotional support.

The lead SANE nurse also indicated that all Sexual Assault Nurse Examiners have completed their 40-hour DIDA-CTIC training and completed the requirements for check off exams. Each nurse has continued their training through various means. They are updated through the National Sexual Assault Violence Resource Center with trainings, Annual PREA Trainings with the Georgia Department of Corrections, staying abreast of new National Sexual Assault Protocol and the International Association Forensic Nurses Standards. They meet monthly for peer review and discuss and new changes in protocols.

According to the contracted lead SANE nurse, if they are not available, the facility medical staff will ensure that an inmate allege sexual assault will be brought to medical for initial assessment. If there were serious injuries, then the inmate will be taken to the hospital for treatment and the forensic exam to be conducted at the hospital. Medical will send a rape kit along with the transporting officer.

115.35 (C)

The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.

Documentation requested to confirm the completion of the medical and mental health specialized training was provided by the facility.

The auditor reviewed the following documentations.

- NIC Training Medical and Mental Health – 20

115.35 (d)

Medical and mental health care practitioners shall also receive the training mandated for employees under standard 115.31 or for contractors and volunteers under standard 115.32, depending upon the practitioner’s status at the agency.

Interviewed Staff (Agency/Regional): Interview with the Public Safety Trainer III, when asked about the training professional staff, including medical and mental health staff received, indicated they attend Annual In-Service as well and that the level of contact with inmates determines the numbers of days of Annual In-Service Training but their training, as well, includes PREA Training. Certificate’s documenting completion of the Specialized Training provided by the National Institute of Corrections were provide when requested. Additional,

certificates documenting completion of Pre-in Service and Annual In-Services were attained.

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| 115.41 | Screening for risk of victimization and abusiveness |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders -B1 - Victim/Aggressor Initial Assessments -B1 - Victim/Aggressor Reassessments (to match the initial assessments) -B1 – Victim/Aggressor Classification Rating -G1 - List of gay and bisexual inmates -G1 - List of inmates who reported a history of or prior victimization in the initial PREA screening at intake -G1 - List of transgender or intersex inmates -G1 - List of inmates who reported sexual abuse while at this facility -G1 - GDC Policy 508.17, Identification of Offender with a History of Physical or Sexual Abuse -H1 - Information Related to Transgender/Intersex Offenders -Interviews <p>115.41 (a)</p> <p>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.</p> <p>Georgia Department of Corrections Policy 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior Prevention and Intervention Program, D. Screening for Risk of Sexual Victimization and Abusiveness, Paragraph 1. Screening for Victimization and abusiveness, requires all inmates be assessed during intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.</p> <p>In addition, GDC Policy 508.17 Identification of Offenders with a History of Physical or Sexual Abuse states the following procedures:</p> <ul style="list-style-type: none"> • During the initial screening procedure, offenders will be assessed for a history of victimization by physical, and/or sexual abuse. • If an offender reports a positive history of abuse and is in need of mental health services, that offender will be referred to a specially trained counselor in the area of abuse and informed of treatment options. • If an offender reports a positive history but does not wish to receive services, the offender will be informed that they can make a request at a later date. • It will be the responsibility of the Mental Health Unit manager to ensure there is a sufficient number of trained specially trained counselors in the area of physical and sexual abuse. In the absence of a specially trained counselor, a psychologist can provide individual therapy. • It will be the responsibility of the Mental Health Unit manager to ensure there are ample |

mental health programs (e.g., group (s) for trauma victims that could be facilitated by mental health counselors privileged to conduct the group (s).

- Mental health treatment programs include but not be limited to programs for those impacted by:

- o Childhood physical or sexual abuse
- o Battered spouses
- o Rape victims

- Offenders at any time can request evaluation for treatment due to a history of abuse.

GDC Policy 508.17 Identification of Offenders with a History of Physical or Sexual Abuse defines Specially Trained Counselor as any mental health counselor, or licensed clinical consultant (psychiatrist, Advanced Practice Registered Nurse (APRN), psychologist, social worker, counselor) who has successfully completed the Georgia Department of Corrections Sexual Assault Counseling Training Program or who has a comparable combination of training and experience approved by the Statewide Mental Health Program Supervisor/designee.

Interviewed Inmates: Auditor associate interviewed a total thirty-one (31) inmates. Nineteen (19) were random interviews. Twelve (12) interviews were target population interviews. The inmates were asked, when you first came here, do you remember whether you were asked any questions like whether you had been in jail or prison before, whether you have ever been sexually abused, whether you identify with being gay, lesbian, or bisexual, and whether you think you might be in danger of sexual abuse here? All except three (3) of the inmates reported that they were asked the questions during intake.

Three (3) of the inmates reported that they came to the facility in 2007, 2010 and 2012.

Interviewed Transition Center Inmates: Twelve random residents and one targeted resident was interviewed. All of the 13 residents who were placed at the facility within the last 12 months could recall being asked questions regarding prior history of sexual abuse, or whether they identified as being gay, lesbian, or bisexual. Half of the interviewed residents could recall if they have been asked similar questions again since their arrival at the facility. It should be noted that it was reported that said questions was just asked again the week prior to the onsite audit.

115.41 (b)

Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

The instrument, the Victim/Aggressor Classification Instrument, is administered by a counselor, within 24 - 72 hours of arrival at the facility. Information from the screening will be used to inform housing, be assignment, work, and education and program assignments. Policy requires that outcome of the screening is documented in SCRIBE.

GDC Policy 220.09 Classification and Management of Transgender and Intersex Offenders states that GDC will screen all offenders within 24 hours by using the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument in SCRIBE. SCRIBE is the Department's electronic inmate information management system.

Interviewed Staff: Interviewed staff who perform screening for risk of victimization and

abusiveness indicated that all inmates are screened for risk of sexual abuse victimization and sexual abusiveness upon arrival but always within 72 hours.

Interviewed Transition Center Staff: Counselor indicated that all residents are screened for risk of sexual abuse victimization and sexual abusiveness upon arrival but always within 72 hours.

115.41 (c)

Such assessments shall be conducted using an objective screening instrument.

Georgia Department of Corrections Policy requires its facilities to use the Victim/Aggressor Classification Instrument as the agency's objective screening instrument.

115.41 (d)

The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:

- Whether the inmate has a mental, physical, or developmental disability;
- The age of the inmate;
- The physical build of the inmate;
- Whether the inmate has previously been incarcerated;
- Whether the inmate's criminal history is exclusively nonviolent;
- Whether the inmate has previously experienced sexual victimization;
- Whether the inmate has prior convictions for sex offenses against an adult or child;
- Whether the inmate is detained solely for civil immigration purposes?
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- Whether the inmate has previously experienced sexual victimization;
- Whether the inmate's own perception of vulnerability

The Offender PREA Classification Details considers the following factors;

1. Offender has a conviction (s) for sex offense against adult and/or child.
2. Offender has a criminal history that is exclusively non-violent
3. Offender has a developmental disability/mental illness/physical disability
4. Offender has a history of prior sexual victimization
5. Offender is 25 years old or younger or 60 years or older
6. Offender is a former victim of institutional rape or sexual assault
7. Offender is perceived to be gay/lesbian/bisexual/transgender/intersex or gender non-conforming
8. Offender is small in physical stature
9. Offender's first incarceration
10. Offender's own perception is that of being vulnerable
11. The age of the inmates;
12. The inmate's own perception of vulnerability; and

If question #1 is answered yes, the offender will be classified as a Victim regardless of the other questions. This generates the PREA Victim icon on the SCRIBE Offender Page. If three or more of questions (2-10) are checked, the offender will be classified as a Potential Victim.

This will generate the PREA Potential Victim icon on the SCRIBE offender page.

The Offender PREA Classification Details considers the following Sexual Aggressor Factors:

1. Offender has a past history of institutional (prison or jail) sexually aggressive behavior
2. Offender has a history of sexual abuse or sexual assault toward others (adult or child)
3. Offender's current offense is sexual abuse/sexual assault towards others (adult or child)
4. Offender has a prior conviction (s) for violent offenses

If questions #1 is answered yes, the inmate will be classified as a Sexual Aggressor regardless of the other questions. This will generate the PREA Aggressor icon on the SCRIBE Offender page. If two or more of questions (2-4) are checked, the offender will be classified as a Potential Aggressor. This will generate the PREA Potential Aggressor icon on the SCRIBE Offender page.

Georgia Department of Corrections Policy 208.6, Attachment 4 states in situations where the instrument classifies the offender as both Victim and Aggressor counselors are instructed to thoroughly review the offender's history to determine which rating will drive the offender's housing, programming, etc. This process is required to be documented in the offender SCRIBE case notes, with an alert note indicating which the controlling rating.

The screening process also considers whether the inmate is detained solely for civil immigration purposes, as well as physical appearance, demeanor, special situations or special needs, social inadequacy and developmental disabilities.

The Victim/Aggressor Classification Ratings are determining as follows:

Sexual Victim Factor Rating:

Male Inmates – If three (3) or more of questions #2-10 are checked, the offender will be classified as a potential victim. This will generate the PREA Potential Victim icon on the SCRIBE Offender page.

Female Inmates – If five (5) or more of questions #2-10 are checked, the offender will be classified as a potential victim. This will generate the PREA Potential Victim icon on the SCRIBE Offender page.

Sexual Aggressor Factor Rating:

If question #1 is answered yes, the offender will be classified as a Known Aggressor regardless of the other questions. This will generate the PREA Aggressor icon on the SCRIBE Offender page.

If two (2) or more of question #2 -4 are checked, the offender will be classified as a Potential Aggressor. This will generate the PREA Potential Aggressor icon on the SCRIBE Offender page.

The auditor reviewed the following documentations.

- Victim/Aggressor Initial Screening – 83
- Victim/Aggressor Re-assessments – 40
- Transgender and Intersex six months reassessments – 6

The auditor reviewed the following documentations for Phillips Transition Center.

- Victim/Aggressor Initial Screening – 40
- Victim/Aggressor Re-Assessments - 40

Interviewed Staff: Interviewed staff who perform screening for risk of victimization and abusiveness was asked what the initial risk screening considers. Staff indicated that the initial screenings consider an inmate's age, mental health level, physical build, perceived sexual orientation, and nature of offense, history of sexual victimization, perception of vulnerability, criminal history and institutional conduct.

115.41 (e)

The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing inmates for risk of being sexually abusive.

See Section (d) response.

115.41 (f)

Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 21, states, offenders whose risk screening indicates a risk for victimization or abusiveness shall be reassessed whenever warranted due to an incident, disclosure or allegation of sexual abuse or sexual harassment and also for all offenders, within 30 days of arrival at the institution. A case note shall be entered in SCRIBE to indicate this review has been conducted. This case note is for the sole purpose of documenting the screening occurred and shall not include any confidential or clinical information.

Interviewed Staff: Interviewed staff who perform screening for risk of victimization and abusiveness were asked, how long after arrival are inmates' risk levels reassessed. Staff indicated that inmates are reassessed within 30 days after their initial assessment.

115.41 (g)

An inmate's risk level shall be reassessed when warranted due to referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

Policy requires offenders whose risk screening indicates a risk for victimization or abusiveness is required to be reassessed when warranted and within 30 days of arrival at the facility based up on any additional information and when warranted due to a referral, report or incident of sexual abuse or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.

Policy requires that any information related to sexual victimization or abusiveness, including the information entered into the comment section of the Intake Screening Form, is limited to a

need-to know basis for staff, only for the purpose of treatment and security and management decisions, such as housing and cell assignments, work, education and programming assignments.

Policy 208.6, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program in section 5 page 21, requires the warden to designate a safe dorm or safe beds for offenders identified as highly vulnerable to sexual abuse. The location of these safe beds must be identified in the Local Procedure Directive, Attachment 9 and the Staffing Plan. The facility has designated a dorm to serve as a safe dorm, housing potential or actual victim of sexual assault. This facility will make individualized determinations about how to ensure the safety of each offender.

A review of reassessments confirm that reassessments were done within the required time frame of the inmate's arrival.

115.41 (h)

Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d-1, 7, 8, 9) of this section.

Interviewed Staff: Interviewed staff who perform screening for risk of victimization and abusiveness indicated that inmates are not disciplined for refusing to provide information regarding disabilities or sexual orientation. However, they are encouraged to provide the necessary information without the threat of disciplinary action.

115.41 (i)

The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, has the agency outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation?

The agency has policy regarding protecting sensitive information, including the inmate's risk assessment. Access to the risk assessments is limited strictly to those who have a need to know.

Interviewed Staff: The facility PREA compliance manager indicated that the facility has outlined who should have access to an inmate's risk assessment within the facility in order to protect sensitive information from exploitation. It was stated that the management staff and counseling staff, management includes the facility PREA compliance manager, all deputy wardens, investigators, Mental Health and Medical, others are case-by-case basis.

Concern: Reassessments

Standard requires within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the facility will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screenings.

The auditor requested to review 100 reassessments to match the initial PREA assessments. As of March 8, 2021, the facility provided only 40 reassessments out of 100.

PREA Coordinator Response: On 02/18/2021, the PREA Coordinator conducted a GDC annual assessment review of Phillips SP's 30-day screenings and found them non-compliant. A corrective action directive was issued through the GDC Audit Team. For the PREA CAP, the Warden will issue a directive to ensure that risk screenings are conducted within 30-days of arrival at their facility. Proof of practice will be provided to the PREA Coordinator's office upon intake, for a period of 30 days.

The facility provided the auditor with copies of completed reassessments.

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| 115.42 | Use of screening information |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC Policy 508.17, Identification of Offender with a History of Physical or Sexual Abuse -B1 - Information Related to Transgender/Intersex Offenders -B1 - GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders -C1 - List of gay and bisexual inmates -C1 - List of transgender or intersex inmates -C1 – Stratification Plan (Safe Housing) -E1 - GDC Policy 209.06, Administrative Segregation -E1 - List of Inmates in Administrative/Segregation 30 Days PREA Related -E1 – Adm/Seg 30 Day Reviews -Interviews <p>115.42 (a)</p> <p>The agency shall use information from the risk screening required by standard 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.</p> <p>GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders requires the following procedures:</p> <ul style="list-style-type: none"> • Once the offender is transferred to their assigned facility, the classification information form Diagnostics, combined with the sexual safety risk screening information, will be used by the classification committee to house the offender at that facility, to include a unit and bed assignment. • In addition to the initial PREA Sexual Victim/Sexual Aggressor Classification Screening, transgender offenders’ risk levels for sexual victimization and abusiveness must also be re-assessed: <ul style="list-style-type: none"> o Within thirty (30) days of their intake date. o After any new information is learned that bears upon their sexual safety. o At least twice each year of their incarceration. • At each point, the offender’s own views as to their safety must be given serious consideration. • Transgender offenders shall be given the same treatment in determining access to programming and services as other offenders within the correctional facility. • Work, education, and programming assignments can vary for transgender offenders if there is a documented reason to keep separate those offenders at high risk of being sexually |

victimized from those at high risk of being sexually abusive.

- The facility-based Classification Committee will make individualized determinations about these offenders' assignments without discrimination.

Georgia DOC Policy 208.6, D. Screening for Risk of Victimization and Abusiveness, Paragraph 2, Use of Screening Information, requires that information from the risk screening is used to inform housing, bed, work, education and program assignments, the goal of which is to keep separate those inmates at high risk of being sexually victimized from those at high risk for being sexually abusive. Wardens and superintendents are required to designate a safe dorm (s) for those inmates (Inmates) identified as vulnerable to sexual abuse.

Policy requires that inmates at high risk for sexual victimization will not be placed in involuntary segregated housing unless an assessment of all available alternatives have been made and there is no alternative means of separation from likely abuser. If an assessment cannot be made immediately the offender may be held in involuntary segregation for no more than 24 hours while completing the assessment. The placement and justifications for placement in involuntary segregation must be noted in SCRIBE. While in any involuntary segregation, the offender will have access to programs as described in GDC SOP 209.06, Administrative Segregation, which provides for reassessments as well as requiring the offender will be kept in involuntary segregated housing for protection only until a suitable and safe alternative is identified.

Interviewed Staff: During the facility site review the auditor interviewed the ID Officer who described the housing assignment process to ensure victims are not housed in cells with potential aggressors. ID maintains a board of all inmates housed at the prison. An ID card is placed on each cell assignment

115.42 (b)

The agency shall make individualized determinations about how to ensure the safety of each inmate.

GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders requires the following procedures:

- In deciding whether to assign a transgender or intersex offender to a male or female facility, GDC shall consider on a case-by-case basis whether:
 - o Placement would ensure the offender's health and safety.
 - o Whether the placement would present management or security problems.
 - o Transgender offenders may not be assigned to gender-specific facilities based solely on their external genital anatomy.
 - o The SCC will evaluate each referral to discuss the facility type the safe placement of each transgender offender.

The facility will make individualized determinations about how to ensure the safety of each inmate. In the event the facility had a transgender inmate, the department requires the facility to consider on a case-by case basis whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems. Placement and program assignments for each transgender or intersex inmate is to be reassessed at least twice a year.

Interviewed Inmates: Three (3) transgender inmates were interviewed. Interviewed inmates were asked if staff at this facility asked you questions about your safety. Two (2) of the three (3) reported that staff ask about their safety. One (1) reported that only the counselor asked about his safety.

115.42 (c)

In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.

In making housing assignments for transgender or intersex offenders, the department will consider on a cases-by-case basis, whether a placement would ensure the offender's health and safety and whether the placement would present management or security problems. In compliance with the PREA Standards, placement and programming assignments for each transgender or intersex offender will be reassessed at least twice a year to review any threats to safety experienced by the offender.

GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders requires the following procedures:

- The chairperson must enter the appropriated profile on the Transgender and Intersex Offender List (TIOL) in SCRIBE, which will include all intersex and transgender offenders in GDC custody.
- The classification committee will determine, on a case-by-case basis, the most appropriate classification assignments for each transgender offender.
- Transgender offenders must never be placed in dedicated units or housed only with other transgender offenders.
- The offenders' own views with respect to their safety should be given serious consideration.

115.42 (d)

Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 21, states, placement and programming assignments for each Transgender or Intersex offender shall be reassessed no less than every six months to review any threats to sexual safety of the offender.

Interviewed Staff: The facility PREA compliance manager was asked how often are placement and programming assignments for each transgender or intersex inmate reassessed to review any threats to safety experienced by the inmates? Interviewed staff reported every six months transgender and intersex PREA assessment will be reassessed to ensure their safety.

The auditor reviewed six (6) six months reassessments on Transgender and Intersex documented.

Interviewed Staff: Interviewed staff who perform screening for risk of victimization and abusiveness indicated that if there were transgender or intersex inmates at the facility, they

are reassessed at least twice a year to address any safety threats.

115.42 (e)

A transgender or intersex inmate's own view with respect to his or her own safety shall be given serious consideration.

Interviewed Staff: The facility PREA compliance manager was asked if transgender or intersex inmates' views with respect to his or her own safety given serious consideration in placement and programming assignments. The facility PREA compliance manager advised, yes, and stated all inmates are interviewed to ensure that the programs are compliance with PREA standards. All inmates are encouraged to report all safety concerns to any officer and staff member regarding their own safety concerns

Interviewed Staff: Interviewed staff who perform screening for risk of victimization and abusiveness indicated that all inmates' safety concerns are given serious consideration in placement and programming assignments.

115.42 (f)

Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.

GDC requires facilities to implement procedures enabling inmates to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing their breast, buttocks or genital, except in exigent circumstances or when such viewing is incidental to routine cell checks.

GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders states that if the offender indicates he or she is transgender or intersex, staff must ensure he or she is allowed to shower separately.

Interviewed Staff: The facility PREA compliance manager was asked if transgender and intersex inmates are given the opportunity to shower separately from other inmates. She indicated that they were. Most living unit has single showers, however, if a transgender or intersex inmate is placed in a living unit with common showers, the inmate can notify the dorm officer or supervisor and request that a secured and scheduled shower times are set.

Interviewed Inmates: Three transgender inmates were interviewed regarding given the opportunity to shower separately from other inmates. All three transgender or intersex inmates indicated that they have private when taking showers.

115.42 (g)

The agency shall not place lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such inmates.

GDC Policy 220.09, Classification and Management of Transgender and Intersex Offenders requires transgender offenders must never be placed in dedicated units or housed only with other transgender offenders.

Transgender, intersex, lesbian, gay, and bisexual inmates are not housed in a specific area. They are housed, as other inmates are and those decisions are based, according to staff on the following considerations:

1. PREA Issues,
2. The inmate's security level
3. Mental health status
4. Any disability

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, how does the agency ensure against placing lesbian, gay, bisexual, transgender, or intersex inmates in dedicated facilities, or wings solely on the basis of their sexual orientation, genital status, or gender identity?

The PREA Coordinator related, in an interview, that the Georgia Department of Corrections, does not house lesbian, gay, bisexual, transgender or intersex inmates in dedicated facilities nor do they house them in any dedicated wing of the prison they have been assigned to.

Interviewed Inmates: Two (2) gay inmates were interviewed. Both inmates reported that they are not placed on a living unit solely for gay, lesbian, bisexual, transgender, or intersex inmates. Both inmates reported that they are treated fairly and are not discriminated against because of their sexual identity. Both inmates reported that they feel safe at the facility and know how to report sexual abuse or sexual harassment.

Interviewed Staff: The facility PREA compliance manager was asked if the facility is or has been subject to a consent decree, legal settlement, or legal judgment requiring that it establish a dedicated unit or wing for lesbian, gay bisexual, transgender, or intersex inmates? She stated no, the facility does not dedicate a specific unit or wing. However, the facility and agency are responsible for inmate's safety and housing.

Interviewed Inmates: Three transgender inmates were interviewed. The interviewed inmates were asked if they have you been placed in a housing area only for transgender or intersex. All three (3) reported that they have not been solely searched because of being transgender or to determine genital status.

Concern 1: Transgender Woman

Standards require that a transgender and intersex inmate's own view with respect to his or her safety shall be given serious consideration, and transgenders and intersex inmates shall be given the opportunity to shower separately from other inmates.

During facility tour and in an informal interview with a transgender inmate, it was indicated that she does not feel safe, however, she felt that this was the safest living unit for her. The concern is with showering. The shower curtains are PREA friendly, the upper clear panel allows other inmates and staff to see her breast.

PREA Coordinator Response: The CAP concerning the shower curtain issue was addressed under the 115.15 concern mentioned earlier in this document.

A CAP will not be provided regarding "the inmate's own view with respect to his or her safety" as there was no specific explanation of (1) if the inmate stated their view was not considered

(2) no specific safety concerns were detailed and (3) the inmate stated that she “felt that this was the *safest* living unit for her.”

After reviewing the Agency PREA Coordinator response, this provision is compliant.

Concern 2: Transgender Woman

Interviewed three (3) transgender inmates. All three (3) reported that they have not been solely searched because of being transgender or to determine genital status. One (1) inmate reported that the Warden does not follow up on her request to receive panties, bras, and make up. The inmate reported that when she asks the subordinate staff about her request, they all reply “the warden has not approved your requested items yet”. One (1) of the inmates reported that she is tired of being gender harassed in the form of non-verbal harassment from the Warden. The inmate reported that the Warden does non-verbal things to discriminate against her. She could not give specific examples.

PREA Coordinator Response: A CAP will not be provided regarding the property concerns for the offender, as these concerns are not a violation of the PREA standards. Additionally, a CAP will not be provided for the allegation that the Warden non-verbally “gender” harasses the offender (1) the inmate did not state how she felt harassed, nor did she give an example of what gender-harassed means, (2) What does she mean by non-verbal and (3) “She could not give specific examples.”

After review of the Agency PREA Coordinator response, this provision is compliant.

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| 115.43 | Protective Custody |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -Segregation/Isolation Checklist (Green Medial/Blue Mental health/ Red Supervisor) -E1 - GDC Policy 209.06, Administrative Segregation -Interviews <p>115.43 (a)</p> <p>Inmates at high risk for sexual victimization shall not 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 not available alternative means of separation from likely abusers. If a facility cannot conduct such as assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.</p> <p>Georgia Department of Corrections Policy, 208.6, IV. d3 (a-d) Administrative Segregation, requires offenders at high risk for sexual victimization are not place 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 an assessment cannot be conducted immediately, the offender may be held in involuntary segregation no more than 24 hours while completing the assessment. The placement, including the concern for the inmate’s safety is noted in SCRIBE case notes documenting the concern for the offender’s safety and the reason why no alternative means of separation can be arranged. The inmate will be assigned to involuntary segregated housing only until an alternative means of separation can be arranged. Assignment does not ordinarily exceed a period of 30 days.</p> <p>115.43 (b)</p> <p>Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:</p> <ul style="list-style-type: none"> • The opportunities that have been limited; • The duration of the limitation; and • The reasons for such limitations. <p>Inmates in involuntary protective custody would have access to the following:</p> <ol style="list-style-type: none"> 1. Programs: Education – the teacher would bring the materials to the inmate to complete. 2. Counselor – programmatic information to work on. 3. Access to the phone. 4. Access to a KIOSK |

5. Access to the store.
6. Access to showers
7. Access to exercise.
8. Access to visitation.
9. They can keep their tablets from which they can send emails to their families and friends and email the PREA Unit.

Interviewed Staff: During the facility site review the auditor interviewed the segregation officer. He indicated that if someone is placed in segregation, it would be overnight or for a week, and only until the investigator was completed or started the investigation. It was also indicated that inmates in involuntary protective custody would have access to the following:

- Programs: Education – the teacher would bring the materials to the inmate.
- Access to the phone.
- Access to a KIOSK.
- Access to the store.
- Access to shower.
- Access to exercise.
- Access to visitation.
- Allow to keep their tablets (send emails to their families and friends and email the PREA Unit).

All inmates that are housed in administrative segregation have access to phone, Kiosk, store call and showering.

115.43 (c)

The facility shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

Inmates are assigned to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged and such an assignment does not ordinarily exceed a period of 30 days. If the facility uses involuntary segregation to keep an inmate safe, the facility documents the basis for their concerns for the inmate's safety and the reason why no alternative means of separation can be arranged. Reviews are conducted every 30 days to determine whether there is a continuing need for separation from the general population.

115.43 (d)

If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document:

- The basis for the facility's concern for the inmate's safety; and
- The reason why no alternative means of separation can be arranged.

See Section (c) response.

115.43 (e)

Every 30 days, the facility shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.

See Section (c) response.

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| 115.51 | Inmate reporting |
| | Auditor Overall Determination: Exceeds Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - Brochure: Sexual Assault, Sexual Harassment Prison Rape Elimination Act (PREA) -A1 - GDC Policy 208.06, 2. Offender Grievances -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC Website “How do I Report Sexual Abuse or Sexual Harassment” -A1 – PREA Reporting Instructions (Reporting Line) Spanish and English -A1 - Inmate Instruction/PREA Information on Kiosks -A1 – Inmate handbook (English and Spanish) -A1 - Inmate Instruction Tablets -A1 - Inmate PREA Brochures – Sexual Assault Sexual Harassment/How to Prevent it How to Report it -A1 - SOP 227.02 Statewide Grievance Procedures -A1 - PREA Poster English and Spanish -A1 – Ombudsman and Inmate Affairs -B2 – 222.06 Consular Notification -D1 - Report Sexual Abuse or Harassment (Agency Website) -Interviews <p>115.51 (a)</p> <p>The agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation, by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.</p> <p>This standard is rated exceeds because the Georgia Department of Corrections (GDC) provides not only multiple ways to report but allows inmates for this facility to have personal tablets enabling them to report allegations of sexual abuse with privacy and anytime they decided to without anyone knowing. They can do this by emailing the PREA Unit with one click and sending an email to family or others and requests to staff. Inmates may also report outside the facility to the PREA Unit via the PREA Hotline; the PREA Unit via JPay email; the Ombudsman; Victim Services; the TIP Line; and to WINGS, the outside advocacy center. The inmate has access to phones to call friends and family; and through visitation with family. Inmates may file a grievance (that becomes an emergency grievance and is turned over to the Sexual Assault Response Team).</p> <p>GDC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, E. Reporting, 1. Inmate reporting, provides multiple ways for inmates to report. These include making reports in writing, verbally, through the inmate PREA Hotline and by mail to the department Ombudsman Office. Inmates are encouraged to report allegations immediately and directly to staff at all levels. Reports are required to be promptly documented. The department has provided inmates a sexual abuse hotline enabling inmates to report via</p> |

telephone without the use of the inmate's pin number. If an inmate wishes to remain anonymous or report to an outside entity, he may do so in writing to the State Board of Pardons and Paroles, Office of Victim Services (address provided). Additionally, the inmate is provided contract information, including dialing instructions for reporting via the GDC Tip Line. The instructions tell the inmate the Tip Line is for anonymous reporting of staff and inmate suspicions and illegal activity. This information is posted next to the phones.

Inmates also have access to outside confidential reporting services including those identified in the PREA Brochure given to inmates during the admission process and posted throughout the prison. The following ways to report are provided:

1. Call PREA – 7732 (Internal)
2. Report to any staff member (Internal)
3. Report to Statewide PREA Coordinator (Internal)
4. Report to the Ombudsman Office (External)
5. Report to the Director of Victim Services (External)
6. Report by Tablet (Internal)
7. Report by KIOSK (Internal)
8. Report to Family Members (External)
9. Report to Friends (External)
10. Filing a Grievance (Internal)
11. Request Forms to contact Medical and the Administration (Internal)
12. PREA Hotline (Internal)
13. State Board of Pardons and Parole (External)
14. Report to Volunteers and Contractors (Internal)
15. PREA Coordinator (Internal)
16. Report to Legal Counsel (External)
17. You can call the PREA Confidential Reporting Line at: 1-888-992-7849. Call to this toll-free number are recorded. Message are checked Monday through Friday between 8 am – 5 pm by staff of the PREA Unit.
18. You can also send an email to: PREA.report@gdc.ga.gov (mailto:PREA.report@gdc.ga.gov).
19. You can send correspondence to:
Georgia Department of Corrections
Attn: Office of Professional Standards/PREA Unit
300 Patrol Rd.
Forsyth, Ga. 31029

The addresses to the Statewide PREA Coordinator, Ombudsman, and Director of Victim Services are provided and the phone number to the Ombudsman is given.

Inmates are provided with a brochure entitled, "Sexual Assault and Sexual Harassment Prison Rape Elimination Act (PREA) How to Prevent it; How to report it". This brochure advises inmates that reporting is the first step. The hotline number is provided. The brochure tells inmates they may report allegations to any staff member or write to any of the following listed above.

Inmates are allowed to report sexual abuse through their tablet and kiosk, which is forwarded to J-Pay Services. JPay services acknowledge and forward the proper information to the agency PREA Unit. The PREA Unit forwards and advises the facility warden of the alleged

sexual abuse or harassment. The warden of the facility then distributes the information on a need-to-know basis, and to the SART investigator, and management team to process. The SART investigator/management team then take the appropriate measure of conducting an investigation and the management team take steps in following up with the offender who alleged sexual abuse or harassment at the facility level.

The process from the inmate reporting through his tablet or kiosk system has a 24 hours turnaround time period.

Interviewed Inmates: Auditor associate interviewed a total thirty-one (31) inmates. Nineteen (19) were random interviews. Twelve (12) interviews were target population interviews. All random inmates reported different ways of reporting sexual harassment and sexual abuse. The examples were reporting via JPay tablet, PREA Hotline, confidential letter, reporting to staff members, writing the counselor a letter, and reporting directly to shift supervisor. All of the random inmates were able to verbalized how to report sexual harassment and sexual abuse.

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 detailed 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.

GDC Policy IIA23-0001, Consular Notification affirms it is the policy of GDC that the Consulate General of an inmate's native country be kept informed as the inmate's custody status or occurrences to the Vienna Convention on Consular Relations. Inmates will be provided information on how to access Foreign Consular Offices in the United States. This information is available for download at <http://www.state.gov/s/cpr/ris/fco>. This policy prescribes the GDC's responsibility for notification and that the inmate be informed of such notification. Foreign national inmates are allowed visitation with representatives from the Consulate General of his/her native country. The visit must be scheduled at least 24 hours in advance unless the warden approves a shorter period.

The facility provided a document entitled "Offender's Decision Concerning Optional Consular Notification". This document included the following verbiage: "As a non-U.S. citizen who is being arrested or detained, you are entitled to have the Georgia Department of Corrections notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want this Department to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you."

A second document titled "Consular Notification Facsimile Form". This form is address to Embassy/Consulate from the Georgia Department of Corrections.

The auditor reviewed the Georgia Department of Corrections website. The following information was posted for reporting sexual abuse or harassment.

The GDC investigates all allegations of sexual abuse and sexual harassment promptly, thoroughly, and objectively. The following information is provided on the agency's website to make a report:

1. You can contact the Ombudsman & Inmate Affairs Office at (478) 992-5358 or by email at Ombudsman@gdc.ga.gov (mailto:Ombudsman@gdc.ga.gov)
2. You can contact the Pardons and Pardon Victim Services office at (404) 651-6668 or toll free at 1-800-593-9474 or by email at VictimServices@pap.ga.gov (mailto:VictimServices@pap.ga.gov)

You don't have to give your name, but it is critical that you provide as many details as possible. This includes:

- a. The name (s) and locations of all persons involved.
- b. The Offender GDC Number
- c. A brief description of the incident (s).
- d. A brief description of where the event (s) occurred.
- e. The date (s), time and place of occurrences (s)
- f. Your contact phone number and address (optional)

115.51 (c)

Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

Staff have been instructed and trained to accept reports made both verbally and in writing from third parties and promptly document them. Inmates may file grievances. Once a grievance is received and determined to be PREA related, the grievance process ceases, and an investigation begins. Third Party reports may be made to the Ombudsman's Office or in writing to the State Board of Pardons and Paroles, Office of Victim Services (address provided).

Interviewed Inmates: Two (2) of Three (3) inmates reported to authorities, either in person or in writing, that they had been sexually abused or harassed while at the facility. One was at another facility.

Interviewed Transition Center Inmates: Twelve random and one targeted resident was interviewed. All of interviewed residents stated that they had multiple ways to report. Most of the residents reported that they would tell staff, call the hotline, or tell family members.

Interviewed Transition Center Inmates: Twelve random and one targeted resident was interviewed. The residents reported that they could make a report to someone who does not work at the facility by telling other family members or calling the hotline. The residents were able to describe being able to make reports verbally, in writing, anonymously, and from third parties. All but two interviewed residents reported that they could make a report without giving their name. The remaining two were not sure.

Interviewed Random Staff: Interviewed random staff were asked when an inmate alleges sexual abuse or sexual harassment, can he or she do so verbally, in writing, anonymously and from third parties? All staff stated that inmates can report verbally, in writing, anonymously, and from third parties.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. All staff reported that they would document a verbal report to ensure that the report is routed to the appropriate supervisor and leadership team members to address and it would be document before the end of the shift.

115.51 (d)

The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.

Interviewed Random Staff: Interviewed random staff were ask, how can staff privately report sexual abuse and sexual harassment of inmates? All staff knew the various ways to report. Many staff reported that they would report to immediate supervisor. This method seemed to be the most immediate to get an immediate response. Staff were aware of the written reporting option.

Concern: Inmate Reporting to a Public or Private Entity

Standard requires that the facility shall provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency, and that is able to receive immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.

During the facility tour, living unit D1, serves as a supportive living for mental ill residents, and D2 serves as administrative segregation and serves level II and IV mental health inmates. Staff confirmed that the rolling phones did not work. The living unit did have one kiosk machine.

PREA Coordinator Response: A CAP will not be provided for this standard as GDC meets the standard for reporting. At any time, an offender can report sexual abuse or sexual harassment to a staff member. The standard does not state that we must provide them a way to report to an "outside" agency immediately. The offender has the option to write a letter to an outside agency. The only language that requires immediate action is if the offender reports to an outside agency, the outside agency must immediately report the allegation. GDC phones and kiosks are privileges and not requirements. GDC has other multiple avenues for offenders to report PREA allegations.

In addition to this response, the Warden advises that the offenders are continuously tearing up the phones and that AT&T are frequently at the facility to repair phone damage, caused by offenders.

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| 115.52 | Exhaustion of administrative remedies |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – Memo Grievances Related to PREA -A1 – Memo No PREA Grievances in past 12 months -A1 - SOP 227.02 Statewide Grievance Procedures -Investigation Packages for the past 12 months -Interviews <p>115.52 (a)</p> <p>An agency shall be exempt from this standard if it does not have administrative procedures to address inmate grievances regarding sexual abuse.</p> <p>GDC Policy explains the agency and facility grievance process. Upon entering the GDC, each offender is required to receive an oral explanation of the grievance procedure and receive a copy of the Inmate Handbook, which includes instructions about the procedure.</p> <p>GDC Policy, 227.02, Statewide Grievance Process, specifies the areas where grievance forms may be accessed. It affirms that offenders are not prohibited from assisting other offenders from filling out any forms related to the process. Policy provides that an offender may file a grievance on behalf of another inmate if the allegation involves sexual abuse. The policy and local operating procedures allow another inmate to file a grievance on behalf of another inmate.</p> <p>The following procedures pertain to reporting allegations of sexual abuse or sexual harassment via the grievance process:</p> <ol style="list-style-type: none"> 1. Page 5 of the Statewide Grievance Policy, Paragraph 4. Asserts that the offender is not required to attempt an informal resolution before filing a grievance. 2. Inmate may submit the grievance without having to submit it to the staff who is the subject of the complaint. 3. Inmates may seek assistance from third parties and parties can file grievances on behalf of the inmate. 4. If a third-party file a request on behalf of an inmate, the victim must agree to have the request filed. 5. If the inmate declines to have the request processed on his behalf, GDC will document the inmate’s decision as part of the SART or Internal Investigation report. <p>Staff will assist offenders who need special help (because of such things as language barriers, illiteracy, or physical or mental disability) filling out the grievance forms if requested by the inmate.</p> <p>Interviewed Staff (Agency/Regional): An interview with the assistant PREA coordinator</p> |

confirmed that the agency has an administrative grievance policy. He indicated that inmates are allowed to submit a PREA related incident through the grievance process. If this were to occur the grievance coordinator will submit the PREA grievance directly to investigations. The assistant PREA coordinator also confirmed that the agency policy 208.6 Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program states, "Offender Grievances: allegations of sexual abuse and sexual harassment are not grievable issues. They should be reported in accordance with methods outlined in this policy."

115.52 (b)

- The agency shall not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse.
- The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege and incident of sexual abuse.
- The agency shall not require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.
- Nothing in this section shall restrict the agency's ability to defend against an inmate lawsuit on the ground that applicable status of limitations has expired.

Interviewed Staff (Agency/Regional): An interview with the assistant PREA coordinator confirmed that the agency does not impose a time limit on when an inmate can submit a grievance regarding an allegation of sexual abuse or require inmates to attempt to resolve with staff. The assistant PREA coordinator also confirmed that the agency policy 208.6 Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program states, "Offender Grievances: allegations of sexual abuse and sexual harassment are not grievable issues. They should be reported in accordance with methods outlined in this policy."

It was indicated that GDC had a policy that sexual abuse allegations were not grievable in order to make sure inmates reported to staff or some other manner that would get speedier response. Staff would accept the report verbally or written on a grievance but all-time frames and other grievance criteria were not applicable to PREA related grievances. The allegation is reported immediately.

- Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison.
 - o PREA Investigative Summaries – 29
 - o PREA Disposition Offender Notifications - 30
 - o Sexual Abuse Incident Review Checklist (30 days Review) -20
 - o Sexual Allegation Response Checklist - 27
 - o SART Investigation Checklist – 17
 - o PREA Initial Notifications – 29
 - o Incident Reports – 33
 - o Refusal of Treatment Against Medical Advice Document – 1
 - o Offender Grievance (PREA Related) – 1
 - o SART Report Consent (SANE) – 4
 - o Supplement Reports – 32
 - o Use of Force/Serious Incident Reports – 32
 - o Witness Statements – 32

- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

- Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation's Overview includes the following information:

- o SART Investigator Summary
- o PREA Compliance Manager Comments
- o PREA Coordinator Comments
- o PREA Case Closed Details

115.52 (c)

The agency shall ensure that:

- An inmate who alleges sexual abuse may submit a grievance with without submitting it to a staff member who is the subject of the complaint, and
- Such grievance is not referred to a staff member who is the subject of the complaint.

Inmates could file a grievance to report sexual abuse or sexual harassment by calling the PREA Hotline or emailing the GDC PREA Unit on their tablet or on the KIOSK.

Interviewed Staff (Agency/Regional): An interview with the assistant PREA coordinator confirmed that the agency ensures that inmates who allege sexual abuse can submit a grievance without submitting it to a staff by dropping it in the medical box or the outgoing mail box.

It was indicated that GDC had a policy that sexual abuse allegations were not grievable in order to make sure inmates reported to staff or some other manner that would get speedier response. Staff would accept the report verbally or written on a grievance but all-time frames and other grievance criteria were not applicable to PREA related grievances. The allegation is reported immediately.

115.52 (d)

- The agency shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
- Computation of the 90-day time period shall not include time consumed by inmates in preparing any administrative appeal.
- The agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the inmate in writing of any such extension and provide a date by which a decision will be made.
- At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.

Interviewed Staff (Agency/Regional): An interview with the assistant PREA coordinator confirmed that the agency issues final decision on the merits of any portion of a grievance alleging sexual abuse. However, all PREA related incidents are sent directly to investigations to begin the investigation process within 24 hours.

It was indicated that GDC had a policy that sexual abuse allegations were not grievable in order to make sure inmates reported to staff or some other manner that would get speedier response. Staff would accept the report verbally or written on a grievance but all-time frames and other grievance criteria were not applicable to PREA related grievances. The allegation is reported immediately.

115.52 (e)

- Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, shall be permitted to assist inmates in filing request for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of inmates.
- If a third-party file such a request on behalf on an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
- If the inmate declines to have the request processed on his or her behalf, the agency shall document the inmate's decision.

Interviewed Staff (Agency/Regional): An interview with the assistant PREA coordinator confirmed that third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates are permitted to assist inmates in filing request for administrative remedies relating to allegations of sexual abuse and also are permitted to file such requests on behalf of inmates. All processes are documented.

It was indicated that GDC had a policy that sexual abuse allegations were not grievable in order to make sure inmates reported to staff or some other manner that would get speedier response. Staff would accept the report verbally or written on a grievance but all-time frames and other grievance criteria were not applicable to PREA related grievances. The allegation is reported immediately.

115.52 (f)

- The agency shall establish procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse.
- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

Interviewed Staff (Agency/Regional): An interview with the assistant PREA coordinator confirmed that the agency does not impose a time limit on when an inmate can submit a grievance regarding an allegation of sexual abuse or require inmates to attempt to resolve with staff. The assistant PREA coordinator also confirmed that the agency policy 208.6 Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program states, "Offender Grievances: allegations of sexual abuse and sexual harassment are not grievable issues. They should be reported in accordance with methods outlined in this policy."

It was indicated that GDC had a policy that sexual abuse allegations were not grievable in order to make sure inmates reported to staff or some other manner that would get speedier response. Staff would accept the report verbally or written on a grievance but all-time frames and other grievance criteria were not applicable to PREA related grievances. The allegation is reported immediately.

In situations where an inmate uses the grievance process to report an allegation of sexual abuse, the department does not require the inmate to attempt to resolve the incident informally before filing a grievance the offender must be given a written response to the emergency grievance within 5 calendar days.

115.52 (g)

The agency may discipline an inmate for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the inmates filed the grievance in bad faith.

The facility provided a Grievance Search Summary from 12/1/ 2019 thru 12/1/2020 of all total # of grievances filed for the criteria entered was 622. The grievance search indicated that two (2) PREA related grievances was founded.

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| 115.53 | Inmate access to outside confidential support services |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – Inmate handbook (English and Spanish) -A1 - Inmate PREA Brochures – Sexual Assault Sexual Harassment/How to Prevent it How to Report it -F1 - PREA Poster English and Spanish -B1 –Outside Rape Crisis Center -Interviews <p>115.53 (a)</p> <p>The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.</p> <p>GDC procedures require the facility attempt to enter into an agreement with a rape crisis center to make available a victim advocate to inmates being evaluated for the collection of forensic evidence. Victim advocates from the community used by the facility will be pre-approved through the appropriate screening process and subject to the same requirements of contractors and volunteer who have contact with inmates. Advocates serve as emotional and general support, navigating the inmate through the treatment and evidence collection process.</p> <p>GDC prisons are often located in areas with limited or non-existent resources, including outside confidential support services. In response to that need the facility asked Just Detention International to help develop and secure these services for several prisons experiencing that issue. Just Detention International, according to interviews with the agency’s PREA coordinator, brought together the PREA compliance staff and rape crisis centers and outside advocacy organizations throughout the state to attempt to pair specific prisons up with an outside agency.</p> <p>In response to the lack of resources, GDC trained a staff advocate(s) to accompany inmates during forensic exams if requested. The victim advocate sometimes serves as a member of the Sexual Assault Response Team.</p> <p>Inmates have access to the GDC Ombudsman and GDC Tip Line. Contact information, including phone numbers and mailing addresses are provided, posted and accessible to inmates.</p> <p>GDC Policy IIA23-0001, Consular Notification; affirms it is the policy of GDC that the Consulate General of an inmate’s native country be kept informed as the inmate’s custody status or</p> |

occurrences to the Vienna Convention on Consular Relations. Inmates will be provided information on how to access Foreign Consular Offices in the United States. This information is available for download at <http://www.state.gov/s/cpr/ris/fco>. This policy prescribes the GDC's responsibility for notification and that the inmate be informed of such notification. Foreign national inmates are allowed visitation with representatives from the Consulate General of his/her native country.

Interviewed Inmates: Auditor associate interviewed a total thirty-one (31) inmates. Nineteen (19) were random interviews. Twelve (12) interviews were target population interviews. Inmates reported that they have access to the PREA phones and the facility has posters up.

Interviewed Inmates: Forty-two (42) inmates were interviewed and asked if the facility allows them to see and talk with their parents or someone else. All inmates reported that they were able to contact their parents/family via the JPay tablet if their parents/family has capability. Note: Due to COVID-19, in person visitation has been suspended until further notice.

Interviewed Inmates: Forty-two (42) of the inmates were asked if the facility allows them to talk with their lawyer or another lawyer and if they would be allowed to talk with that person privately. Most of the inmates reported that they did not have a lawyer and/or had not met with their lawyer while being at the facility. One inmate reported that he has seen other inmates meet with their lawyers in private since being at the facility.

115.53 (b)

The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Staff indicated that during inmate orientation inmates are informed that communications may be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

115.53 (c)

The agency shall 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 agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

Gwinnett Sexual Assault Center: There is a Memorandum of Understanding between Gwinnett Sexual Assault Center, Inc. (GSAC) and Phillips State Prison to facilitate an agreement between the parties for services related to the goals and implementation of federal Prison Rape Elimination Act (PREA) mandates.

Gwinnett Sexual Assault Center, Inc. is a Georgia Criminal Justice Coordinating Council certified sexual assault victim assistance agency and a member of the Rape, Abuse & Incests National Network (RAINN).

GSAC and Phillips State Prison are working together to identify the specific needs of Phillips State Prison and outline an appropriate and effective response that comports with PREA and aids Phillips State Prison in compliance of same.

GSAC agrees to:

-Respond to requests from Phillips State Prison official or inmates/residents for victim advocacy services such as: responding to GSAC Crisis Line calls; providing crisis intervention and information/community referrals; respond to correspondence received at the GSAC Post Office Box 1329 Duluth, GA 30096.

-Communications will be in as confidential a manner as possible, pursuant to the Phillips State Prison policies and procedures, Georgia law and mandatory reporting laws.

-Communicate any questions or concerns to the Phillips PREA coordinator.

-Provide training to Phillips State Prison Staff.

The auditor reviewed the following documentation.

- PREA related grievance filed during the past 12 months - 1

Concern: Inmate Detained for Civil Immigration Purposes

Standard states that the facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations, and for persons detained solely for civil immigration purposes, immigrant services. The facility shall enable reasonable communication between inmates and these organizations and agencies, in as confidential manner as possible.

Interviews with staff and documentation review indicated that the facility does not have the required contact information available for inmates detained solely for civil immigration purposes.

PREA Coordinator Response: A CAP will not be provided for this standard as GDC does not house any offenders that are detained solely for civil immigration purposes. Therefore, this standard is non-applicable to the GDC. Please see PAQ 115.51 where GDC answers "no" to the questions (115.51 (b) (2), and 115.53 (a) (3).

After reviewing the provision by the PREA auditor, this standard provision will be entered as "NA" into the online system.

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| 115.54 | Third-party reporting |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> • A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program • A1 - GDC Website “How do I Report Sexual Abuse or Sexual Harassment” • A2 - Brochure: Sexual Assault, Sexual Harassment Prison Rape Elimination Act (PREA) • A2 - Inmate PREA Brochures – Sexual Assault Sexual Harassment/How to Prevent it How to Report it • Interviews <p>115.54 (a)</p> <p>The agency shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.</p> <p>The Georgia Department of Corrections and the facility provide multiple ways for inmates to access third parties who may make reports on behalf of an inmate. GDC provides contact information enabling third-party reports may be made to the GDC Ombudsman’s Office, to the GDC Tip Line and the agency’s PREA Coordinator. Information is provided to inmates that allows them to call or write the Ombudsman’s Office. They are informed they may report in writing to the State Board of Pardons and Paroles, Office of Victim Services. This information is provided in the brochure given to inmates during admissions/orientation. The brochure entitled, “Sexual Assault, Sexual Harassment, Prison Rape Elimination Act – How to Prevent It and How to Report It” provides the phone number and mailing address for the Ombudsman and the mailing address for reporting to the Director of Victim Services. A PREA hotline is available for third-party reports and an inmate’s pin is not required to place a call using the “hotline”. Dialing instructions are posted at the phone.</p> <p>The Department’s Website contains a section entitled: “How do I report sexual abuse or sexual harassment?” These are provided as ways to make third-party reports. Call the PREA Confidential Reporting Line (1-888-992-7849); email PREA.report@gdc.gov; Send correspondence to the Georgia DOC, Office of Professional Standards/PREA Unit; contact the Ombudsman and Inmate Affairs Office (numbers and email provided and Contract the Office of Victim Services (phone number and email address provided) Anyone wishing to make a report can do so anonymously, there is a request that as much detail as possible be provided. The agency has a TIP Line accessible to third parties. Others, including family member, friends, and other inmates, may make a report for an inmate.</p> <p>The auditor reviewed the Georgia Department of Corrections website. The following information was provided for reporting sexual abuse or harassment.</p> <p>The GDC investigates all allegations of sexual abuse and sexual harassment promptly, thoroughly, and objectively. To make a report:</p> |

1. You can call the PREA Confidential Reporting Line at: 1-888-992-7849. Call to this toll-free number are recorded. Message are checked Monday through Friday between 8 am – 5 pm by staff of the PREA Unit.
2. You can also send an email to: PREA.report@gdc.ga.gov (mailto:PREA.report@gdc.ga.gov).
3. You can send correspondence to:
Georgia Department of Corrections
Attn: Office of Professional Standards/PREA Unit
300 Patrol Rd.
Forsyth, Ga. 31029
4. You can contact the Ombudsman & Inmate Affairs Office at (478) 992-5358 or by email at Ombudsman@gdc.ga.gov (mailto:Ombudsman@gdc.ga.gov)
5. You can contact the Pardons and Pardon Victim Services office at (404) 651-6668 or toll free at 1-800-593-9474 or by email at VictimServices@pap.ga.gov (mailto:VictimServices@pap.ga.gov)
6. You don't have to give your name, but it is critical that you provide as many details as possible. This includes:
 - a. The name (s) and locations of all persons involved.
 - b. The Offender GDC Number
 - c. A brief description of the incident (s).
 - d. A brief description of where the event (s) occurred.
 - e. The date (s), time, and place of occurrences (s)
 - f. Your contact phone number and address (optional)

Interviewed Staff (Agency/Regional): In an Interview with the Inspector of the Criminal Investigations Division, he was asked how the Department handles anonymous or third-party reports of sexual abuse or sexual harassment? He was also asked if they are investigated differently? Staff indicated that all reports of sexual abuse or harassment are handled the same. If a victim is identified, an immediate interview will occur if the allegations concern violence or injury.

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| 115.61 | Staff and agency reporting duties |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -Investigation Packages -Agency PREA Coordinator Investigation Overviews -Staff Guide on the Prevention and Reporting of Sexual Misconduct with Offenders: Confidential Report Hotline -Interviews <p>115.61 (a)</p> <p>The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.</p> <p>Department of Corrections policy, requires staff who witness or receive a report of sexual assault, sexual harassment, or who learn of rumors or allegations of such conduct, must report information concerning incidents or possible incidents of sexual abuse or sexual harassment to the supervisor on duty and write a statement, in accordance with the Employee Standards of Conduct. The highest-ranking supervisor on duty who receives a report of sexual assault or sexual harassment, is required to report it to the appointing authority or his/her designee immediately. The supervisor in charge is required to report it to notify the PREA compliance manager and/or SART leader as designated by the Local Procedure Directive. Appointing authorities or his/her designee may make an initial inquiry to determine if a report of sexual assault, sexual harassment, is a rumor or an allegation. Allegations of sexual assault and sexual harassment are major incidents and are required to be reported in compliance with policy.</p> <p>Once reported, an evaluation by the SART leader/team of whether a full response protocol is needed will be made. Appointing authorities or designee (s) are required to report all allegations of sexual assault with penetration to the Office of Professional Standards (OPS) Special Agent In-Charge and the Department's PREA coordinator immediately upon receipt of the allegation. OPS will determine the appropriate response. Staff, failing to comply with the reporting requirements of DOC Policy, may be banned from prisons or will be subject to disciplinary action, up to and including termination.</p> <p>In the prevention section, policy requires staff to be aware of and attempt to prevent sexual abuse, sexual harassment or sexual misconduct, thorough offender communications, comments to staff members, offender interactions, changes in offender behavior, and isolated or vulnerable areas of the institution.</p> <p>Interviewed Staff: The mental health staff were asked, are you required to report any</p> |

knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a designated supervisor or official immediately upon learning of it? Staff indicated yes. It is required by the GDOC to report any instance of sexual abuse or harassment.

Interviewed Staff: Interviewed medical staff indicated that they are required to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment to a designated supervisor or official immediately upon learning. When asked, if they had ever become aware of alleged sexual abuse incidents, staff indicated, only when the supervisor, mental health or SART team has notified medical.

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Staff were asked, does the agency requires all staff to report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation? All staff reported that the agency requires all staff to be mandatory reporters.

115.61 (b)

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

The reviewed Sexual Assault/Sexual Misconduct Prison Rape Elimination Act (PREA) Education Acknowledgement Statement affirms staff's understanding they are to report anything they witness or that is reported to them.

115.61 (c)

Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.

Interviewed Staff: Interviewed mental health staff was asked, at the initiation of services to an inmate, do you disclose the limitations of confidentiality and your duty to report? Staff indicated it is a requirement to notify offenders being evaluated and/or treated of the limits of confidentiality, mandated reporting measures/duty to report.

Interviewed Staff: Interviewed medical staff indicated that at the initiation of services to an inmate, staff discloses the limitations of confidentiality and their duty to report.

115.61 (d)

If the alleged victim is under the age of 18 or considered a vulnerable adult under a state or local vulnerable persons statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

If an alleged victim is under the age of 18, the department reports the allegation to the

Department of Family and Children Services, Child Protection Services Section. Staff are not to disclose any information concerning sexual abuse, sexual harassment or sexual misconduct of an offender, including the names of the alleged victims or perpetrators, except to report the information as required by policy, or the law, or to discuss such information as a necessary part of performing their job.

The facility does not house youthful offenders. Policy requires if the victim was under the age of 18, the field operations manager, in conjunction with the director of Investigations, or designee, is required to report the allegation to the Department of Family and Children Services, Child Protective Services Section. If the victim is considered a vulnerable adult under Georgia Law, the director of Investigations or designee, will make notification to the appropriate outside law enforcement agency.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, how do you respond when an allegation of sexual abuse or sexual harassment is made by someone under the age of 18 or someone considered a vulnerable adult under state or local law?

The PREA Coordinator stated and affirmed that all GDC employees are mandated reporters, meaning that should they become aware of any allegation of sexual abuse or sexual harassment or if they witnessed or were the first-person having knowledge of alleged abuse or sexual harassment of any inmate, regardless of age or physical status, they are mandated to report it. If an inmate is under 18 years of age, that inmate is typically housed in a dedicated living unit and area at a specific Georgia facility designed for youthful offenders. Allegations of sexual abuse for inmates under 18, must be reported not only through the normal GDC reporting process/procedures but must also be reported to the Georgia Department of Family and Children Services. Older inmates are housed throughout the state. Allegations of sexual abuse of the elderly must also be reported to DFCS.

Interviewed Staff: The warden indicated that the facility does not house any inmates under the age of 18. If the alleged victim is considered a vulnerable adult the director of Investigations, or designee, will make notification to the appropriate outside law enforcement agency regarding abuse.

Interviewed Transition Center Staff: The superintendent indicated that the center does not house any residents under the age of 18.

115.61 (e)

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

- Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison.

- o PREA Investigative Summaries – 29
- o PREA Disposition Offender Notifications - 30
- o Sexual Abuse Incident Review Checklist (30 days Review) -20
- o Sexual Allegation Response Checklist - 27
- o SART Investigation Checklist – 17
- o PREA Initial Notifications – 29
- o Incident Reports – 33

- o Refusal of Treatment Against Medical Advice Document – 1
- o Offender Grievance (PREA Related) – 1
- o SART Report Consent (SANE) – 4
- o Supplement Reports – 32
- o Use of Force/Serious Incident Reports – 32
- o Witness Statements – 32
- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

- Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation's Overview includes the following information:

- o SART Investigator Summary
- o PREA Compliance Manager Comments
- o PREA Coordinator Comments
- o PREA Case Closed Details

Interviewed Staff: The warden indicated that all allegations of sexual abuse and sexual harassment are reported directly to designate facility investigator.

Interviewed Transition Center Staff: The superintendent indicated that if the center receives allegations, all allegations of sexual abuse and sexual harassment will be reported directly to designate facility investigator.

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| 115.62 | Agency protection duties |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A2 - GDC Policy 209.06, Administrative Segregation -A1 - Investigation Packages for the past 12 months -Interviews <p>115.62 (a)</p> <p>When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.</p> <p>GDC Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, Facility Protection Duties, requires that upon learning of a sexual abuse, staff are to separate the alleged victim and abuser and ensure the alleged victim has been placed in safe housing which may be protective custody in accordance with SOP 209.06, Administrative Segregation. If the inmate victim is placed in administrative segregation, a note is placed in SCRIBE indicating the reason for the placement. If the offender remains in Administrative Segregation for 72 hours, ensure that the Sexual Assault Response Team has again evaluated the victim within 72 hours. Again, a note is be entered into SCRIBE indicating the reason for continued placement. The care and treatment member of SART is responsible for documenting the reasons in SCRIBE. If the alleged perpetrator is an offender and if the alleged perpetrator has been placed in Administrative Segregation in accordance with SOP 209.06, Administrative Segregation, again, a case note documenting the reason for placement is completed and documented in SCRIBE.</p> <p>If the offender remains in Administrative Segregation for 72 hours, the SART evaluates the offender again within 72 hours and if continued placement is required, the reasons are documented in SCRIBE. The care and treatment staff from the SART are responsible for the documentation.</p> <p>If the alleged perpetrator is staff member, the staff member and alleged victim are separated during the investigation period. The staff member may be reassigned to other duties or other work area; transferred to another institution, suspended with pay pending investigation or temporarily banning the individual from the institution, whichever option the appointing authority deems appropriate. Staff are instructed, if applicable, they are to consult with the SART, regional director, the department's PREA coordinator or the Regional SAC within 72 hours of the reported incident to determine how long the alleged victim or perpetrator should remain segregated from the general population and document the final decision in the offender's file with specific reason for returning the offenders to the general population or keeping the offenders segregated and ensure the SART has evaluated the victim within 24 hours of the report. Once a determination has been made that there is sufficient evidence of sexual assault, staff ensure closure of the matter by serving notice of adverse action or</p> |

banning the staff member, making housing and classification changes if the perpetrator is an offender, and update the victim's offender file with incident information.

Interviewed Staff (Agency/Regional): The agency Head designee was asked, when you learn that an inmate is subject to a substantial risk of imminent sexual abuse, what protective action does the agency take?

Inmates who are found to be subject to a substantial risk of imminent sexual abuse are to be separated from the potential or actual threat. The inmate may be moved to another location in the dorm closer to the control room or staff stations, moved to another dorm, placed in protective custody, or transferred to another facility in an effort to keep the inmate safe.

Interviewed Staff (Agency/Regional): The director of Operations indicated that once a staff becomes aware an inmate is in substantial risk of imminent sexual abuse, staff are expected and required to remove that inmate immediately from the threat and ensure separation from the threat.

Interviewed Staff: The warden indicated that, when he learns that an inmate is subject to a substantial risk of imminent sexual abuse, what protective action does the facility takes?

The warden indicated that he would move the inmate out of the area and required staff to monitor the inmate until the alleged allegation is reviewed by staff.

Interviewed Random Staff: During the interviews, officers were asked if they learn that an inmate is at risk of imminent sexual abuse, what actions do they take to protect the inmate. All interviewed staff could articulate the response process if an inmate is at imminent risk of sexual abuse. One hundred percent (100%) of the interviewed staff reported that action is taken immediately to remedy an inmate who is at risk of sexual abuse. Such actions are but not limited to staying with the inmate, separate the inmates, keep the victim on observation, secure the scene, and notify supervisor and medical staff immediately.

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| 115.63 | Reporting to other confinement facilities |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A2 - List of Inmates that Reported Sexual Abuse/Harassment after leaving the Facility -D1 – PREA Investigative Packages -D2 - List of Inmates that Reported Sexual Abuse/harassment coming from other Facility -Interviews <p>115.63 (a)</p> <p>Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.</p> <p>Georgia DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior Prevention and Intervention Program, 3. Reporting to other Confinement Facilities, requires that in cases where there is an allegation that sexually abusive behavior occurred at another department facility, the warden/designee of the victim’s current facility is required to provide notification to the warden of the identified institution and the department’s PREA coordinator. In cases alleging sexual abuse by staff at another institution, the warden of the inmate’s current facility refers the matter directly to the Office of Professional Standards Special Agent In-Charge. For the non-department secure facilities, the warden/superintendent will notify the appropriate office of the facility where the abuse allegedly occurred. For non-department facilities, the warden/designee (s) contacts the appropriate office of that correctional department.</p> <p>Interviewed Staff (Agency/Regional): The agency Head designee was asked if another agency or a facility within another agency refers allegations of sexual abuse or sexual harassment that occurred within one of your facilities, is there a designated point of contact?</p> <p>Interviewed staff related that the agency conducts its own criminal investigations. GDC OPS Investigators have extensive training in criminal investigations and have arrest powers enabling them to effect an arrest of staff or inmate.</p> <p>Interviewed Staff: The warden indicated that if the facility receives an allegation from another facility or agency that an incident of sexual abuse or sexual harassment occurred in this facility the allegation is forwarded to the SART member responsible for investigation to investigate.</p> <p>115.63 (b)</p> <p>Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.</p> <p>According to policy, notification must be provided as soon as possible but not later than 72 hours after receiving the allegation.</p> |

115.63 (c)

The agency shall document that it has provided such notification.

Interviewed Staff: Interviewed staff indicated that if they received an allegation from another facility that an inmate, while assigned to this facility was sexually abused, they would initiate an investigation and cooperate with any investigation.

115.63 (d)

The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

The facility head or department office receiving the notification is required to ensure that the allegation is investigated in accordance with the PREA Standards.

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| 115.64 | Staff first responder duties |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – Staff First Responder Duties -A1 – PREA Coordinated Response Plan -A2 – List of Inmates was Sexually Abused -Interviews <p>115.64 (a)</p> <p>Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:</p> <ul style="list-style-type: none"> • Separate the alleged victim and abuser; • Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; • If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and • If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. <p>Georgia DOC Policy, 208.6, describes, in detail, actions to take upon learning that an inmate has been the victim of sexual abuse. Actions described included the expectations for non-security first responders. Policy and local operating procedures require that upon learning of an allegation that an inmate was sexually abused, the first security staff to respond to the report is to respond in the following manner:</p> <ol style="list-style-type: none"> 1. Separate the alleged victim and abuser. 2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence, in compliance with SOP IK1-0005, Crime Scene Preservation. 3. If the abuse occurred with 72 hours 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. 4. If the abuse occurred within 72 hours ensure that the alleged abuser does not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, or eating. 5. If the first responder is not a security staff, the responder is required to request that the alleged victim not take any action that could destroy physical evidence and notify security staff immediately. |

The Sexual Assault Response Team will be notified and will implement the local protocol.

The local protocol, "PREA Reporting Process" describes the actions taken by the First Responders, notification of the OIC/Duty Officer, Warden's Notification, and the actions of the Sexual Assault Response Team Leader, medical involvement, and mental health involvement. SART conducts the initial investigation. Duties of each SART member are identified and include duties for the SART leader-security, the counselor, and Health Services. Lastly the SART Investigation Process is detailed. This document serves as the facility's coordinated response plan.

Following the initial first response from the staff first becoming aware of an incident or allegation of sexual abuse, staff would contact the Sexual Assault Response Team who would take over once on the scene. They would then be responsible for ensuring the potential crime scene is protected and secured and notify the Office of Professional Standards investigators would advise the SART and then come on sight if needed to collect evidence and assume the investigation.

Interviewed Staff: During the facility site review and during random staff interviews, security staff indicated that they are aware of the first responder procedures. They would separate the alleged victim from the abusers; protect the crime scene, ensure that physical evidence is not destroyed, require that the alleged victim and abuser not take any actions that could destroy physical evidence, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating

Interviewed Random Staff: The associate interviewed sixteen (16) random staff members from the first shift and second shift. Staff were asked, if you are the first person to be alerted that an inmate has allegedly been the victim of sexual abuse, what is your responsibility in that situation? Inmate safety is the staff's primary role. All staff reported that they would remove the inmate immediately and notify the supervisor once they are notified of any sexual abuse or sexual harassment. To protect the evidence, they would do let the inmates brush their teeth, use the bath.

Interviewed Inmates: Three (3) inmates that reported sexual abuse were interviewed. The inmates were asked how soon after they were sexually abused a staff person came to help you. One (1) reported that he received help immediately after his sexual abuse. One (1) reported that he received help four hours after the sexual abuse. One (1) inmate reported that he reported to the Lieutenant at Baldwin State Prison.

Interviewed Inmates: Three (3) inmates that reported sexual abuse were interviewed. Interviewed inmates were asked if they told someone at the facility about the abuse or did staff find out about the abuse in another way. All three inmates reported that they all reported the sexual abuse to correctional staff directly. However, one (1) reported at Baldwin State Prison.

Interviewed Inmates: Three (3) inmates that reported sexual abuse were interviewed. Interviewed inmates were asked if they felt that the staff who first got to the scene after you had been sexually abused responded quickly. Two (2) inmates reported that they feel that the staff responded quickly. One (1) inmate stated that staff did not help the situation. The one inmate reported at Baldwin State Prison.

Interviewed Inmates: Three inmates that reported sexual abuse were interviewed.

Interviewed inmates were asked what the staff did when they first arrived on the scene. Two of the inmates reported that they staff asked what happened and removed them from the aggressor. One inmate reported that staff did nothing and failed to move the aggressor. This inmate reported at Baldwin State Prison.

115.64 (b)

If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

Interviewed Staff: During the facility site review the auditor interviewed two non-security staff regarding being a potential first responder. Staff indicated that they would report to their shift supervisor, ensure the safety of the alleged victim by separating the alleged victim from the alleged perpetrator. Try to secure the scene until the security staff come.

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| 115.65 | Coordinated response |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - PREA Coordinated Response Plan -A1 – PREA Local Procedure Directive and Coordinated response Plan -A1 – Sexual Allegation Response Checklist -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -Interviews <p>115.65 (a)</p> <p>The facility shall develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.</p> <p>Georgia DOC Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, Coordinated Response, requires each facility to develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership. The plan must be kept current and include names and phone numbers of coordinating parties. The facility provided the Coordinated Response Plan in a document entitled: PREA Reporting Process and Local Directive.</p> <p>The local protocol, “PREA Reporting Process” describes the actions taken by the First Responders, notification of the OIC/Duty Officer, Warden’s Notification, and the actions of the Sexual Assault Response Team Leader, medical involvement, and mental health involvement. SART conducts the initial investigation. Duties of each SART member are identified and include duties for the SART Team Leader-Security, the Counselor, and Health Services. Lastly the SART Investigation Process is detailed. This document serves as the facility’s coordinated response plan.</p> <p>The facility uses the GDC Sexual Abuse Response Checklist (GDC 208.06, Attachment 6) to coordinate the actions and response of first responders.</p> <p>Following the initial first response from staff first becoming aware of an incident or allegations of sexual abuse, staff would contact the Sexual Assault Response Team who would take over once on the scene. They would then be responsible for ensuring the potential crime scene is protected and secured and notify the Office of Professional Standards investigators who would advise the SART and then come on sight if needed to collect evidence and assume the investigation.</p> <p>The SART Leader or Investigator arranges for immediate medical examination. Medical conducts an initial assessment to determine if the inmate needs immediate medical intervention and to be treated. Medical staff contact the SANE if needed. Again, specific duties of each of the SART members are described. These include the specific responsibilities for the</p> |

SART leader, counselor and Health Services.

The plan is specific in the steps to be taken by each specific member of the SART leader, medical team member, and counselor/advocate.

The Office of Professional Standards investigator will continue the investigation following GDC Policy.

Interviewed Staff: The warden indicated that the facility has a plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership in response to an incident of sexual abuse. The first responder will notify the appropriate staff and the process/chain of events begins there.

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| 115.66 | Preservation of ability to protect inmates from contact with abusers |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <p>-A1 – Memo: No Collective Bargaining Agreement -Interviews</p> <p>115.66 (a)</p> <p>Neither the agency nor any other governmental entity responsible for collective bargaining on the agency’s behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</p> <p>The State of Georgia is a right to work state. The Georgia Department of Corrections employees are not members of a union. The department is not involved in any form of collective bargaining.</p> <p>Interviewed Staff (Agency/Regional): The agency Head designee was asked if the agency, or any governmental entity reasonable for collective bargaining on your behalf, entered into or renewed any collective bargaining agreements or other agreements?</p> <p>The Commissioner’s Designee stated that the state of Georgia is a “work at will state” and the agency did not have any union contracts. The designee verified that the agency can remove alleged staff sexual abusers from contact with any inmate pending an investigation or a determination of whether and to what extent discipline is warranted.</p> <p>115.66 (b)</p> <p>Nothing in this standard shall restrict the entering into or renewal of agreement that govern:</p> <ul style="list-style-type: none"> • The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of standards 115.72 and 115.76; or • Whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member’s personnel file following a determination that the allegation of sexual abuse is not substantiated. <p>See Section (a) response.</p> |

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| 115.67 | Agency protection against retaliation |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - Investigation Packages for the past 12 months -A2 – Designate Staff Monitoring Retaliation -C5 – Retaliation Monitoring Checklist -Interviews <p>115.67 (a)</p> <p>The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.</p> <p>Georgia DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior Prevention and Intervention Program, affirms the agency has a zero tolerance for any form of retaliation and is committed to protecting inmates or staff who report sexual abuse and sexual misconduct or sexual harassment from retaliation. Policy requires that anyone who retaliates against a staff member or an offender who has reported an allegation of sexual abuse or sexual harassment in good faith is subject to disciplinary action. Policy requires a staff be identified to monitor for retaliation.</p> <p>Interviewed Staff (Agency/Regional): The agency Head designee was asked; how do you protect inmates and staff from retaliation for sexual abuse or sexual harassment allegations?</p> <p>The Commissioner’s designee indicated that when staff cooperate with an investigation expresses a fear of retaliation, the agency has the processes in place for staff needing or requesting emotional support such as Employee Assistance Program (EAP) and Peer Counseling Program (PCP). Adverse actions are not given to staff who request these services or cooperates and reports sexual abuse or sexual harassment allegations. A previous interview with the Commissioner’s Designee indicated that each facility has a retaliation monitor who’s responsibility is to monitor potential retaliation by reviewing indicators such as dorm movements, detail changes, and disciplinary write ups. Inmates may be separated from alleged perpetrators or retaliating staff or inmates by dorm changes, yard changes, or transfers.</p> <p>Interviewed Staff (Agency/Regional): The director of Operations was very familiar with the process for protecting inmates and staff from retaliation. He stated the department does not tolerate it. He said each facility has a retaliation monitor, who monitors the staff or inmate to ensure they are not experiencing any form of retaliation. If it is determined there is retaliation, the staff or inmate retaliating will be sanctioned.</p> <p>Interviewed Staff: The warden indicated that for allegations of sexual abuse or sexual</p> |

harassment, the measures he would take to protect inmates and staff from retaliation, he would do housing changed, transfers or removal of alleged staff member or inmate; and have staff to monitor for retaliation.

Interviewed Staff: The warden was asked, what measures do you take when you suspect retaliation?

The warden indicated that he would have the retaliation monitor the suspect for up to 90 days to see what is going on.

115.67 (b)

The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program section IV.A. Page 25, states, Warden/Superintendent shall designate a staff member to serve as the facility Retaliation Monitor and identify them as such in the PREA Local Procedure Directive and Coordinated Response Plan (Attachment 7). Multiple protection measures include offender housing changes or transfers, removal of alleged staff members or offender abusers from contact with victims, and emotional support services for offenders or staff members who fear retaliation for reporting or for cooperating with investigations.

Interviewed Staff (Agency/Regional): The agency Head designee was asked, if an individual who cooperates with an investigation expresses a fear of retaliation, how does the agency take measures to protect that individual against retaliation?

The inmate may be moved to another housing unit, moved to another side of the complex, or transferred but the inmate should be separated from the source of the retaliation. If an allegation is against a staff member, the staff and inmate should be separated. The staff may be reassigned to another job within the facility where he/she is not supervising the inmate; placing the staff on no contact, placing the staff on leave or reassigning the officer or staff.

Interviewed Staff (Agency/Regional): The director of Operations described the agency's response to protecting inmates and staff from retaliation and that response includes changing the inmate's dorm or housing assignment or removing the alleged perpetrator to another facility or dorm, changing facilities. He also indicated that the department will not tolerate retaliation.

Interviewed Staff: The facility designated staff member charged with monitoring retaliation was asked to describe the different measures he takes to protect those inmates and staff from retaliation. Staff indicated that some measures for offenders experiencing retaliation would be a housing change or transfer for offender victims or abusers, and removal of alleged staff or offender.

The facility reported that the inmates was in administrative segregation for PREA, however, before the 30 days was completed the inmates refuse general population housing assignment. They were taking off PREA and place on general administrative segregation.

115.67 (c)

For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

Monitoring is required to be conducted for at least 90 days following a report of abuse. Monitoring will include monitoring the conduct and treatment of inmates and staff to see any changes to indicate possible retaliation and to remedy any retaliation. Monitoring includes:

1. Review of inmate disciplinary reports,
2. Housing or program changes,
3. Negative performance reviews or reassignment of staff, etc.

Monitoring may continue beyond 90 days if the initial monitoring indicates the need for it.

The facility provided the auditor with "Retaliation Monitoring Checklist" documentation. The monitoring checklist included 30 days, 60 days and 90 days information. The following is monitored for additional information for offenders:

- Offender Disciplinary Report (s) History Review
- Offender Housing Unit Placement Reviewed
- Offender Transfer (s) Placement Review
- Offender Program (s) History Review
- Offender Work Performance Review
- Offender Schedule History Review
- Offender Case Note (s) Review

The monitoring checklist also included 30 days, 60 days and 90 days information. The following is additional information for employees:

- Review Employee Post Rotation (Security Only)
- Review of Employee Job Duties
- Review of Employee Work Schedule History
- Review of Employee Work Location
- Review of Employee Personnel File (Letters of concern, reprimands, and/or adverse actions).
- Review of Employee Performance Management Documents

115.67 (d)

In the case of inmates, such monitoring shall also include periodic status checks.

Interviewed Staff: The facility designated staff member charged with monitoring retaliation was asked, what she looked for to detect possible retaliation and what things he would monitor. Staff indicated that for staff she looks for changes in employee performance and performance reviews, and for inmate's disciplinary reports, housing, incident reports housing and program

changes.

Periodic status checks of inmates are be conducted.

115.67 (e)

If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

See Section (a) response.

115.67 (f)

An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

The obligation for monitoring terminates if the allegation is unfounded. Policy requires that monitoring is documented on the GDC Form 90 Day Offender Sexual Abuse Review Checklist. The checklist is completed for each inmate being monitored.

The auditor reviewed the following documentation.

- Retaliation Monitoring Checklist - 20

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| 115.68 | Post-allegation protective custody |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC Policy 209.06, Administrative Segregation -A2 - List of inmates in Admin/Seg for being at high risk for victimization -Interviews A3 – SOP 209.07 Segregation – Tier I: Disciplinary, Protective Custody and Transient Housing -Interviews <p>115.68 (a)</p> <p>Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of standards 115.43.</p> <p>Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, D. Screening for Risk Sexual Victimization and Abusiveness, 3. Protective Custody, prohibits placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives have been made and a determination made that there is no available alternative means of separation from likely abusers. If an assessment cannot be conducted immediately, the inmate may be held in involuntary segregation for less than 24 hours while completing the assessment. This placement, including concern for the inmate’s safety, must be documented in the inmate/offender database, SCRIBE, documenting concern for the inmate’s safety and the reason why no alternative means of separation can be arranged. Inmates who are placed in involuntary segregation are housed there only until an alternative means of separation from likely abusers can be arranged and the assignment, ordinarily, shall not exceed 30 days. Reviews are required to be conducted every 30 days to determine whether there is a continuing need for separation from the general population. Inmates in involuntary segregation will receive services in accordance with SOP HNo9-0001, Administrative Segregation.</p> <p>GDC Policy 209.06, Administration Segregation states that Voluntary Assignment to Administrative Segregation (Protective Custody (PC) may be requested by an inmate.</p> <p>The offender should submit the request in writing. The request must explain why the offender needs protective custody and it should list who the offender thinks might hurt him/her, if known.</p> <ul style="list-style-type: none"> • The deputy warden/assistant superintendent/unit supervisors shall review the request. If the request has merit, the offender will be placed in administrative segregation/protective custody. <p>Interviewed Staff: The warden indicated that the agency policy prohibits placing inmates at high risk for sexual victimization or who have alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there are no</p> |

available alternative means of separation from potential abusers.

He also indicated that inmates at high risk for sexual victimization or who have alleged sexual abuse placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged.

Interviewed Staff: The warden was asked how long inmates at high risk for sexual victimization or who have alleged sexual abuse are placed in involuntary segregated housing. The warden indicated that the inmate will remain in segregated housing until a transfer can be arranged to another facility or the abuser is transferred, or pending on the investigations.

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| 115.71 | Criminal and administrative agency investigations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC SOP IK01-0006 – Investigation of Allegations of Sexual Contact, Sexual Abuse and Sexual Harassment -H1 – List of Inmates Referred for Prosecution since last PREA Audit -I1 - Investigation Packages for the past 12 months -Agency PREA Coordinator Investigation’s Overviews -Interviews <p>115.71 (a)</p> <p>When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.</p> <p>Georgia Department of Corrections Policy, 208.6, describes the investigative process. Appointing authorities or his/her designee may make the initial investigation inquiring to determine if a report of sexual abuse or sexual harassment is a rumor or an allegation. The local Sexual Assault Response Team is responsible for initially inquiring and subsequent investigation of all allegations of sexual abuse or sexual harassment with limitations. In cases where allegations are made against staff and the SART deems the allegation is unfounded or unsubstantiated by evidence of facility documentation, video monitoring systems, witness statements, or other investigative means, the case can be closed at the facility level. The appointing authority or designee (s) are required to report all allegations of sexual abuse with penetration and those with immediate and clear evidence of physical contact, to the OPS SAC and the department’s PREA coordinator immediately upon receipt of the allegation.</p> <p>Investigations are required to be prompt and thorough, including those reported by third-parties or anonymously. Administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse. Reports are documented and include descriptions physical and testimonial evidence, reasoning behind the credibility of assessments and investigative facts and findings.</p> <p>The warden provided information designating the members of the prisons’ Sexual Assault Response Team. The team consists of a lead member who is the facility’s Mental Health director, a facility-based investigator who initiates the investigation and a medical staff. A counselor serves as the facility-based advocate.</p> <ul style="list-style-type: none"> • Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison. <ul style="list-style-type: none"> o PREA Investigative Summaries – 29 o PREA Disposition Offender Notifications - 30 |

- o Sexual Abuse Incident Review Checklist (30 days Review) -20
- o Sexual Allegation Response Checklist - 27
- o SART Investigation Checklist – 17
- o PREA Initial Notifications – 29
- o Incident Reports – 33
- o Refusal of Treatment Against Medical Advice Document – 1
- o Offender Grievance (PREA Related) – 1
- o SART Report Consent (SANE) – 4
- o Supplement Reports – 32
- o Use of Force/Serious Incident Reports – 32
- o Witness Statements – 32
- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

• Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation's Overview includes the following information:

- o SART Investigator Summary
- o PREA Compliance Manager Comments
- o PREA Coordinator Comments
- o PREA Case Closed Details

Interviewed Staff (Agency/Regional): Interview with the director of Operations indicated that he is very knowledgeable of the agency's response to allegations of sexual assault. He described the role of the SART response upon receiving an allegation and stated they will conduct the administrative investigation. If the allegation appears criminal, the allegation is referred to criminal investigators from the Office of Professional Standards. The agency's expectation is that allegations are reported and investigated by the appropriate entity and that if criminal and substantiated, appropriate action taken.

The director also indicated that the GDC conducts its own criminal investigations. Investigators are trained by the Georgia Bureau of Investigations. Investigators attend GBI Mandated Training (16 weeks). GDC investigators are law enforcement officers with the authority to conduct criminal investigations and to make arrests when warranted.

Interviewed Staff: The PREA compliance manager confirmed the following PREA Investigation Protocol.

Every PREA allegation whether it is sexual abuse or sexual harassment are referred immediately to the facility SART. The facility SART protocol is initiated and investigations are handled promptly, thoroughly, and objectively. Incident notification is made to the GDC PREA coordinator within 24 hours of initiating SART investigations.

The SART investigator evaluates every abuse case from a criminal perspective. If criminal activity is deemed probable, the warden or designee contacts the designated Office of

Investigations (OPS) Special Agent in Charge (SAC) of the appropriate region of the Criminal Investigative Division for further guidance. The initial contact is made by telephone, followed-up by an e-mail to the SAC and the GDC PREA coordinator. The SART Investigative summary should be attached.

Cases involving but not limited to the following are always referred to OPS SAC.

- Inmate on Inmate Abuse or Assault
- Staff on Inmate Abuse or Assault

The SAC will assign an investigator to the case if deemed necessary based on the information provided from the SART investigation.

For abuse allegations not deemed criminal activity, the SART investigator provides a prompt, thorough, and objective investigation on each case and determines the appropriate disposition (substantiated, unsubstantiated, unfounded). Notifications are made to GDC PREA coordinator with 24 hours of initiating the SART investigation. Upon completion of the SART investigation, the SART investigator or PREA compliance manager send the investigative summary for each closed case to PREA Unit.

For sexual harassment allegations the SART protocol is initiated and investigations are handled promptly, thoroughly, and objectively. Substantiated and unsubstantiated cases involving but not limited to the criteria are always referred to OPS SAC of Internal Affairs. Again, upon completion of the SART investigation, the SART investigator or PREA compliance manager send the investigative summary for each closed case.

In closing a Case: In all sexual abuse and sexual harassment cases, to include the ones which involve OPS investigators, the SART investigator closes the case file locally and assigns the appropriate disposition upon completion of the investigation. OPS will notify the facility warden of the results of the investigation when closed at their level.

Interviewed Staff: The facility investigator was asked; how long does it take to initiate an investigation following an allegation of sexual abuse or sexual harassment? Staff indicated immediately after it is reported to a staff member. All reports are documented and investigated.

Interviewed Staff (Agency/Regional): In an interview with the Inspector of the Criminal Investigations Division, the Inspector was asked how long does it take to initiate an investigation following an allegation of sexual abuse or sexual harassment? He indicated no more than 24 hours. Normally, depending on the scope and severity, the investigation will be launched immediately.

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, what would be the first steps in initiating an investigation and how long would they take? He indicated, the first step is the initial notification from a facility's representative (Warden, Regional Director, Supervisor, Officer and other staff members). The allegation is made to the Special Agent in charge of the region or to a PREA staff member within OPS. Depending on the scope and factors such as injury, violent assault, the investigation can be launched immediately or within 24 hours.

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division

was asked to describe the investigation process. He indicated that OPS facility investigator is notified by the OPS Criminal Investigations SAC. Depending on the nature of the allegation, Special Agents may be assigned to include Crime Scene Technicians/Agents to process the scene, conduct interviews and submit laboratory specimens to the crime lab.

115.71 (b)

Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to standard 115.34.

If an investigation cannot be cleared at the local level, the SAC determines whether to open an official investigation and if so, dispatches and investigator who has received special training in sexual abuse investigations. When criminal investigations involving staff are completed, the investigation is turned over to the Office of Professional Standards to conduct any necessary compelled administrative reviews. After each SART investigation, all substantiated cases are referred to the OPS Criminal Investigations Division while all unsubstantiated SART investigations are referred to the Office of Professional Standards for an administrative review. The department follows a uniform protocol for obtaining usable physical evidence for administrative proceedings and criminal prosecution.

See section (a)

115.71 (c)

Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

Interviewed Staff: The facility investigator was asked to describe any direct and circumstantial evidence you would be responsible for gathering in an investigation of an incident of sexual abuse. Staff indicated that SART investigator must collect any direct or circumstantial evidence, such as video footage, witness statements, photos, rape kit as directed by the warden for SANE Nurse, incident reports.

Interviewed Staff (Agency/Regional): In an interview with the Inspector of the Criminal Investigations Division the auditor asked him to describe any direct and circumstantial evidence he would be responsible for gathering in an investigation of an incident of sexual abuse. He indicated that GDC Criminal Investigations is responsible for the entire scope of the investigation to include interviews, collection of evidence, and crime scene processing.

115.71 (d)

When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

Criminal investigations are documented in written reports that contain thorough descriptions of physical, testimonial, and documentary evidence and copies of all documentary evidence when feasible. Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

115.71 (e)

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual as is and shall not be determined by the person's status as inmate or staff. No agency shall require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, on what basis would you judge the credibility of an alleged victim, suspect, or witness? He indicated all staff or inmates are treated the same until evidence, statements, etc., determine differently. Credibility is assumed until proven otherwise.

Interviewed Staff (Agency/Regional): In an interview with the Inspector of the Criminal Investigations Division, he related that he would not, under any circumstances, require an inmate who alleges sexual abuse to submit to a polygraph examination or truth-telling device as a condition for proceeding with an investigation.

Interviewed Staff: The facility investigator indicated that under no circumstances would the facility require an inmate who alleges sexual abuse to submit to a polygraph examination or truth-telling device as a condition for proceeding with an investigation.

Interviewed Inmates: Three inmates that reported sexual abuse were interviewed.

Interviewed inmates were asked if they were required to take a polygraph test as a condition for proceeding with sexual abuse investigations. All three inmates reported that they were not required to take a polygraph test as a condition of the sexual abuse investigation.

115.71 (f)

Administrative Investigations: PREA standards requires the following regarding administrative investigations.

- Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, what efforts he or his staff would make during an administrative investigation to determine whether staff actions or failures to act contributed to the sexual abuse? He indicated that these investigations are handled by the agency Internal Affairs Section.

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, if he or his investigators document administrative investigations in written reports. He said an investigation is documented and a file is created by the Internal Affairs Section.

115.71 (g)

Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

The facility provided the auditor with investigation documentation entitled "PREA Investigative Summary."

The investigative summary sheet included the following information:

- Type of Allegation (S/I Abuse, S/I Harassment, I/I Abuse and I/I Harassment)
- Alleged Victim (s) and Alleged Aggressor (s)
- Summary of Investigation (How did you arrive at your disposition?)
- Evidence Gathered, Location, Witnesses
- Disposition (Substantiated, Unsubstantiated, Unfounded and Not PREA)
- Outcome (Closed or Forwarded to OPS)
- Actions Taken
- Disciplinary action taken (toward staff or inmates)
- Name/Title of Person Submitting Report

Interviewed Staff (Agency/Regional): The auditor, in an interview with the Inspector of the Criminal Investigations Division, asked if criminal investigations documented and if so, what is contained in that report? Staff indicated yes, saying that all criminal investigations are assigned a computer-generated case number. The file is time driven and the agent/investigator must complete processes in a specific window of time. The file is periodically reviewed through the computer-generated case management system (ACISS) and must ultimately be approved by a supervisor. Interviews, lab submissions, along with other information is documented within the case file.

115.71 (h)

Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, "When you discover evidence that a prosecutable crime may have taken place, do you consult with prosecutors before you conduct compelled interviews?" He stated normally no, interviews are an integral part of the investigation. Prosecutors are normally consulted upon conclusion of the investigations.

Interviewed Staff (Agency/Regional): When asked, in an interview with the Inspector of the Criminal Investigations Division, when were cases referred for prosecution, he indicated that upon conclusion of the investigation the case file is reviewed for accuracy and completeness and then presented to the appropriate prosecutor for consideration of prosecution.

Interviewed Staff: The interviewed facility investigator indicated that when substantiated allegations of conduct appears to be criminal, they are turned over to the agency Office of Professional Standards.

115.71 (i)

The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The auditor reviewed the facility investigation packages. The following is documented at the bottom of the forms. "Retention Schedule: Upon completion, this form shall be placed in the

PREA investigative case file and maintained for the length of the offender's incarceration plus five (5) years, or ten (10) years from the initial report, whichever is greater".

115.71 (j)

The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

The departure of the alleged abuser or victim from the employment or control of the department does not provide a basis for termination of the investigation.

• Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison.

- o PREA Investigative Summaries – 29
- o PREA Disposition Offender Notifications - 30
- o Sexual Abuse Incident Review Checklist (30 days Review) -20
- o Sexual Allegation Response Checklist - 27
- o SART Investigation Checklist – 17
- o PREA Initial Notifications – 29
- o Incident Reports – 33
- o Refusal of Treatment Against Medical Advice Document – 1
- o Offender Grievance (PREA Related) – 1
- o SART Report Consent (SANE) – 4
- o Supplement Reports – 32
- o Use of Force/Serious Incident Reports – 32
- o Witness Statements – 32
- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

• Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation's Overview includes the following information:

1. SART Investigator Summary
2. PREA Compliance Manager Comments
3. PREA Coordinator Comments
4. PREA Case Closed Details

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, "how do you proceed when a staff member alleged to have committed sexual abuse terminates employment prior to a completed investigation into his/her conduct?" He indicated that the investigation continues regardless.

Interviewed Staff (Agency/Regional): Similarly, the Inspector of the Criminal Investigations Division was asked, how do you proceed when a victim who alleges sexual abuse or sexual

harassment or an alleged abuser leaves the facility prior to a completed investigation into the incident? He indicated that the investigation continues and follow up occurs wherever the victim is located.

115.71 (k)

Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

The Georgia Department of Corrections investigators conducts investigations as guided by the above requirements.

115.71 (l)

When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, if outside agency investigates allegations of sexual abuse, how does the agency remain informed of the progress of a sexual abuse investigation?

The PREA Coordinator explained that outside agencies do not conduct investigations of sexual abuse for the agency. The GDC has investigators who have had to undergo training at designated Peace Officers Training Facilities. Successful completion of this portion of training gives the staff the arrest powers as a Peace Officer in Georgia. In addition to this training, Investigators must complete investigation training provided by the Georgia Bureau of Investigation. This training is around 16 additional weeks.

Interviewed Staff (Agency/Regional): In an Interview with the Inspector of the Criminal Investigations Division, the Inspector was asked, "when an outside agency investigates an incident of sexual abuse in the facility, what role do you play?" The inspector indicated that this normally does not occur because GDC Criminal Investigations Division has the authority and responsibility to conduct criminal investigations. If it occurred, he said, the CID would assist the primary agency.

Interviewed Staff: The warden indicated that there were no outside agency investigations of allegations of sexual abuse. If there were, the facility designated SART PREA investigator along with the PREA Unit will track and report to the agency.

Interviewed Transition Center Staff: The superintendent indicated that there were no outside agency investigations of allegations of sexual abuse. If there were, the facility designated SART PREA investigator along with the PREA Unit will track and report to the agency.

Confidential Emails and Letters

Concern 1: Confidential Email Report Sexual Abuse

Standard 115.71 section (a) states when the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, and objectively for all allegations, including third-party and anonymous reports.

On February 6, 2021 at 10:54 PM, the auditor received an email from X1 stating “I understand you are doing the PREA audit for Phillips. What follows is a copy of the email I sent to the head of the GDC’s internal affairs/compliance director some time ago. The GDC did no investigation – didn’t even acknowledge m email. The same people are still doing the same stuff at Phillips. It’s got to do with the gang affiliations, drug trafficking, and at least a little to do with the race issues.”

On February 7, 2021 at 5:05 PM, the auditor forwarded the email to the Agency PREA Unit with the following message, I received a confidential/Anonymous email regarding “PREA Report concerning Phillips State Prison in Buford, Ga. According to the email an ex-inmate is reporting an alleged sexual abuse among staff and inmates. According to the email (see below), the inmate and others have reported sexual predators to both the local administration the center office more then a dozen times during the past four years.

Please provide me with what actions have been taken, and provide the auditor with completed PREA investigations or status report regarding the alleged sexual abuse. If these alleged allegations have not been investigated, please have them investigated immediately with investigators above the facility level. After, which, please share the results of the investigations with me.

On February 7, 2021, the auditor response to X1, “I have received your confidential/anonymous email regarding PREA Report concerning Phillips State Prion in Buford, Ga. Your alleged allegations will be reviewed as a part of Phillips State Prison Certified DOJ PREA Audit. You will not be retaliated against for filing a sexual abuse alleged allegation.

On March 8, 2021 at 6:47pm, the auditor received a second email from X1 reporting additional information.

On March 8, 2021 at 8:28pm, the auditor forwarded the email to Agency PREA Coordinator and Assistant PREA Coordinator as for-your-information (FYI).

Note: the auditor redacted the inmates name from the Agency PREA Coordinator response below.

PREA REPORT CONCERNING PHILLIPS STATE PRISON IN BUFORD, GA

PREA Coordinator’s Response

SUMMARY: Beginning on February 6, 2021, PREA Auditor, Adam Barnett, received a series of emails from an anonymous author, claiming criminal activities with staff and inmates at Phillips State Prison. Upon notification, the PREA Coordinator’s office reported all allegations to the OPS Criminal Investigations Division. (Ref. X1).

Although the emails contain information regarding several criminal violations, I will only address allegations specifically related to the Prison Rape Elimination Act.

PREA COORDINATOR’S RESPONSE: The PREA Coordinator’s first report of these allegations were received on February 7, 2021 via email from the Phillips SP PREA Auditor. The PREA Coordinator’s office immediately researched these allegations to verify any previous investigation information. The research revealed that the PREA Coordinator’s office

had not previously received any allegations related to the claims in the (X1 emails. Because the emails claim “staff cover-ups” at Phillips State Prison, the PREA Coordinator made the decision to bypass a traditional SART investigation and forward the information to the agency’s criminal investigations division. In addition to forwarding the information to OPS, the PREA Coordinator’s office conducted the SART investigation.

SART INVESTIGATION DISPOSITION: Based on the information obtained, or lack thereof, I find this case to be “unsubstantiated” AND “forwarded to OPS for criminal investigation.”

Justification of Disposition: All PREA-related quotes are listed below with individual responses from the PREA Coordinator.

1. “Myself and others have reported sexual predators to both the local administration and the central office more than a dozen times during the past four years. Not only has nothing been done to stop any of those involved, each of the known predators has been facilitated by senior staff members to continue destroying the lives of young men.”

There were (5) alleged aggressors indicated in the allegation; they were: X2; X3; X4; X5; and X6.

There were (3) alleged victims indicated in the allegation; they were: Anonymous Reporter; X7 and X8.

1. A determination could not be made for the anonymous reporter, due to lack of information provided. Neither X7, nor X8 are on the Central Office PREA Allegation Log as having ever reported a PREA allegation.

Out of the (5) predators listed, only one of them (X6) has ever been reported as involved in a PREA allegation. He was listed as an alleged victim in a 2016 allegation and an alleged aggressor in a 2018 allegation. Both cases resulted in a disposition of “unsubstantiated.”

The language in this quote claims that they have reported “predators” but did not indicate any specific allegation. In fact, later in the correspondence, the author admits that no one wanted to report an “official” PREA allegation. The author of the email contradicts himself on whether he, or anyone, actually made an official PREA report.

Furthermore, Phillips SP has a total of (39) investigated PREA allegations, during the reporting period of January 1, 2020 to current (March 11, 2021). This leads me to believe that Phillips SP SART follows protocol whenever an allegation is reported. Therefore, the claim that reports were made (with these alleged perps and victims) at least a dozen times is unfounded.

The statement that “staff facilitates predators to continue destroying the lives of young men,” cannot be verified. It leads to further questions, such as: What does the author mean by facilitate? What specific staff is facilitating? What time frame did this facilitating occur? Is the facilitation related to the alleged drug ring or is it PREA-related? Without knowing what the author means, a meaningful investigation cannot be conducted on this portion of the allegation. Because I cannot determine what he is saying, I cannot determine whether the incident occurred or did not occur, therefore leading to an unsubstantiated disposition on this portion of the allegation.

Sexual Predators reported at least a dozen times = Unfounded.

Staff “facilitates” predators = Unsubstantiated.

2. "A number of the victims (including myself) have been punished or transferred, and at least one friend of mine who was even smaller than me committed suicide."

This allegation falls under 115.67 Agency protection against retaliation, IF the punishment is directly related to reporting or cooperating in a PREA allegation/investigation. Because the author does not specify whether the punishments are related to PREA or the other criminal activities, I cannot determine non-compliance of standard 115.67. Again, without knowing "who" was "punished or transferred," I cannot investigate further. Furthermore, neither alleged victim (X7, X8) have ever been issued a disciplinary report from Phillips SP, nor have either one been transferred, as they are both housed at Phillips SP. Therefore, the claims that the victims are punished or transferred are unfounded.

Victims have been punished = Unfounded.

3. Inmates "X2, X3 and X4. X5 and X6 [...] Each member of this group uses the same method. They identify a small, young, non-gang affiliated white inmate like me and offer to "share" drugs with them - as "friends." The victim is quickly isolated from other inmates who might intervene. A variety of techniques are used to get to the point where the victim will allow the predator to begin sexually abusing them in exchange for drugs - almost always meth but increasingly K2 Strips."

§ 115.6 "Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse." This allegation borderlines the definition of sexual abuse. The author of the email states "the victim will allow (aka: consent) the predator to begin sexually abusing them in exchange for drugs." In an attempt to exercise due diligence, I looked further into this allegation. The author does not state that the predators threatened violence or forced the alleged victims to perform sexual acts. The author does not state specific (verifiable) incidents, date ranges or time frames and he does not say, specifically, who the victims are. Although tempted to deem this allegation as "not PREA," I will deem it unfounded.

Perps exchange drugs for sexual abuse = Unfounded.

4. "X2 [...] literally made me lay on his bed so that he could have anal sex with me any time he was in the mood. [...] His latest "friend" is named X7. [...] X3 did largely the same to me and to another of my friends. He has "only" had 4 known victims during this same time period. His current "friend" is named X8. [...] he (X3) was able to orchestrate a series of moves between dorms which ended with him living in the same room with X8.

The allegation that X2 made the anonymous victim lay on his bed to have anal sex, cannot be substantiated due to lack of information provided. What does he mean that X2 "made" him lay on the bed? Did he use force or threats? Did the victim consent? The author claims that X3 did "largely" the same thing to him? What does that mean? Did he "almost" do the same thing? What was different between the two alleged perps' actions? X2 latest "friend," (The term "friend" is interpreted as alleged victim) X7, has not made any PREA allegations. The PREA Coordinator did not interview inmate X7, as the case has been referred to OPS for criminal investigation. OPS will handle all interviews associated with this case.

The anonymous victim was "made" to have anal sex with Inmate X2 = Unsubstantiated

Inmate X3 "did largely the same thing to the anonymous victim" = Unsubstantiated
X3 current "friend (aka alleged victim)" is X8 = Unfounded

I cannot verify that X3 "orchestrates a series of moves [...] which ended with him living in the same room with X8," I did check the current bed assignments for both offenders. They were not currently living in the same room, but they were on the same dorm (A-2). I immediately contacted Phillips SP and advised them to separate the inmates. Who were X3's (4) unnamed victims?

X3 orchestrates moves so he and X8 (alleged victim) can share a room = Unsubstantiated.

5. X4, X6 and X5 have likewise been repeatedly reported for sexual predations. [...] while their victims have been punished or transferred.

Research indicates that offenders X4 and X5 do not have any allegations reported, either victim, nor aggressor. Inmates X4 and X5 have been repeatedly reported for sexual predations = Unfounded

Research indicates that X6 has been involved in (2) PREA Allegations. (2016) alleged victim in a staff-to-inmate harassment allegation and (2018) alleged aggressor in an inmate-to-inmate abuse allegation. Both cases were investigated and deemed to be unsubstantiated. "Repeated" means more than once. X6 has been listed as an aggressor in (1) PREA allegation.

Inmate X6 has been repeatedly reported for sexual predations = Unfounded

There is not enough information to verify that victims are being punished or transferred.

Retaliation for unknown victims = Unsubstantiated

6. "Prison officials who have been spoken to concerning these five individuals, and others, have indicated that they would only do something if the victims filed official PREA reports. [...] it is hard enough for any young man to admit that he has allowed himself to be turned into another man's sexual plaything, but it is next to impossible to get them to also admit that he has been committing felonies by using meth as part of the "trade."

If this statement is true, Prison officials are following proper procedures for PREA reporting. If an official PREA allegation is reported, staff then have the obligation to follow PREA protocols, indicated by law, and GDC policies. Prison officials cannot punish an offender, without evidence. This would be a violation of their constitutional rights. Also, this statement leads me to believe that PREA reports were not filed, therefore contradicting the entire allegation that reports were repeatedly made to staff and central office.

Additionally, the statement that a man has "allowed himself to be turned into another man's sexual plaything," indicates consent. Again, there are no specifics indicated in this allegation and a meaningful investigation cannot be conducted at this level. Since there is no specific allegation in this section, a SART disposition is not required.

----- Forwarded message -----

From: X1

Date: Fri, Feb 12, 2021 at 4:46 PM

Subject: Re: PREA Report Concerning Phillips State Prison in Buford GA

To: Adam Barnett adam30906@gmail.com

“You might be interested to hear that someone at Phillips did a pretend investigation about the PREA information I sent you. [...] whoever did the investigation told the people they talked to, or at least that's what one of them accused my friend of doing, and said they'd kill him if he even said their name to anybody again. [...] Why isn't anyone smart enough to look at the video tapes that show what goes on in the dorms.”

The anonymous Author claims that “someone at Phillips did a pretend investigation.” Phillips SP staff has not conducted an investigation. The person he is referring to is an OPS criminal investigator, dispatched by the PREA Coordinator's office, to investigate the allegations. In order to conduct a meaningful investigation, the OPS investigator must ask questions regarding the allegations.

The dormitory videos are on a 30-loop. If an allegation is not reported within the 30 days, we cannot view video footage. Furthermore, not one of these allegations indicate a date, time, location, specific nature of the incident, specific victim or aggressor, etc..., making it impossible to conduct a meaningful investigation.

Because this email does not indicate a specific PREA allegation, no disposition is provided.

----- Forwarded message -----

From: X1

Date: Mon, Mar 8, 2021 at 6:47 PM

Subject: Re: FOLLOW-UP PREA Report Concerning Phillips State Prison in Buford GA

To: Adam Barnett

“My friend says that since the warden warned these guys, X4 has raped another young (21 yrs old) white kid after he got him to smoke meth with him, while X5 has threatened another young white kid who managed to get away from his daily demands for oral sex and payment for "giving" him meth.”

Third-party reports are accepted and investigated by GDC officials. However, this allegation is strictly heresy, as it is not a first-hand account.

Additionally, the claim that X4 has raped another “white kid” and X5 has threatened another “white kid” does not give me enough information to conduct a meaningful investigation.

Again, we cannot punish the alleged aggressors without evidence to show substantiation. Therefore, these allegations are unsubstantiated.

X4 raped another young white kid = unsubstantiated.

X5 has threatened another young white kid = unsubstantiated.

Sexual Predators reported at least a dozen times Unfounded.

Staff “facilitates” predators Unsubstantiated.

Victims have been punished Unfounded.

Perps exchange drugs for sexual abuse Unfounded.

The anonymous victim was “made” to have anal sex with Inmate X2 Unsubstantiated.

Inmate X3 “did largely the same thing to the anonymous victim” Unsubstantiated.

X3's current “friend (aka alleged victim)” is X8 Unfounded.

X3 orchestrates moves so he and X8 (alleged victim) can share a room Unsubstantiated.

Inmates X4 and X5 have been repeatedly reported for sexual predations Unfounded.

Retaliation for unknown victims Unsubstantiated.

X4 raped another young white kid Unsubstantiated.

X5 has threatened another young white kid Unsubstantiated.

Final Disposition of SART Investigation: There are a total of (12) PREA-related allegations indicated in the series of emails send to PREA Auditor Adam Barnett, regarding Phillips State Prison. Of the (12) allegations, 5/12 were deemed unfounded and 7/12 were deemed unsubstantiated. Therefore, the preponderance of evidence indicates the overall disposition as Unsubstantiated and Forwarded to OPS for Criminal Investigation.

- Please note that this is the disposition for the SART investigation. The OPS criminal investigation is pending. This information is confidential and should not be shared with anyone, without the approval of the GDC PREA Coordinator or the OPS Criminal Investigations Division.

Concern 2: Second Confidential Email Report Sexual Abuse CX2

Standard 115.71 section (a) states when the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, and objectively for all allegations, including third-party and anonymous reports.

On March 11, 2021, the auditor received an email from CX2 (regarding X1 concerns). The auditor forwards the email to the Agency PREA Unit.

Please see concern #1 Agency PREA Coordinator response.

Concern 3: Confidential Reporting Sexual Abuse

On March 2, 2021, the auditor received an inmate confidential letter regarding being sexual abuse. This inmate will be referred to as CX3. Inmate CX3 letter stated that he been raped over 21 times at this prison, he been raped by officers and inmates and was force to have oral sex by one of the Doctors in his cell.

During the site view the auditor interview management staff to include the PREA compliance manager/investigator. Documentation review was conducted.

During the documentation review regarding CX3 PREA concerns, the auditor received additional investigation dated 2/23/21 PREA Investigative Summary. According to the summary, the facility investigator initiated an investigation of staff on inmate sexual assault made by CX3 against and officer. CX3 reported that he was sexually assaulted and held at gun point by the officer, he was seen by mental health and medical.

The investigator initial interview with CX3, she asked him why is it that there is always a staff member with a gun to his head while he is being sexually assaulted? That was asked because CX3 has made a similar allegation against a doctor a few months ago and requested to be put on a female caseload.

The finding was unfounded and case closed.

| | |
|--------|--|
| 115.72 | Evidentiary standard for administrative investigations |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 - GDC SOP IK01-0006 – Investigation of Allegations of Sexual Contact, Sexual Abuse and Sexual Harassment -Investigation Packages for the past 12 months -Agency PREA Coordinator Investigation’s Overviews -Interviews <p>115.72 (a)</p> <p>The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>The Georgia Department of Corrections Policy 208.6, Prison Rape Elimination Act-PREA, Sexual Abuse Behavior Prevention and Intervention Program, Section G. requires that there shall be no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.</p> <p>The unit manager for Segregated Housing is a facility-based investigator, along with his counterparts on the Sexual Assault Response Team. He has completed the NIC On-Line Training, PREA: Investigating Sexual Abuse in Confinement Settings.</p> <ul style="list-style-type: none"> • Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison. <ul style="list-style-type: none"> o PREA Investigative Summaries – 29 o PREA Disposition Offender Notifications - 30 o Sexual Abuse Incident Review Checklist (30 days Review) -20 o Sexual Allegation Response Checklist - 27 o SART Investigation Checklist – 17 o PREA Initial Notifications – 29 o Incident Reports – 33 o Refusal of Treatment Against Medical Advice Document – 1 o Offender Grievance (PREA Related) – 1 o SART Report Consent (SANE) – 4 o Supplement Reports – 32 o Use of Force/Serious Incident Reports – 32 o Witness Statements – 32 o Offender Personal Data Summary – 29 o Disciplinary Report – 2 o Evidence/Chain of Custody – 5 o Triage and Medical Screening (SANE) – 5 o Medical PREA Log - 5 |

- Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation's Overview includes the following information:

- SART Investigator Summary
- PREA Compliance Manager Comments
- PREA Coordinator Comments
- PREA Case Closed Details

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, "what standard of evidence do you require to substantiate allegations of sexual abuse or sexual harassment?" He indicated the standard of evidence the agency uses is the federal rules of evidence.

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| 115.73 | Reporting to inmates |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <p>-A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -E1 – PREA Disposition Offender Notifications -Interviews</p> <p>115.73 (a)</p> <p>Following an investigation into an inmate’s allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.</p> <p>Following an investigation into an allegation of sexual abuse, within 30 days, the facility is required, by policy (208.6), to notify the inmate of the results of the investigation as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. GDC Policy 208.6, Prison Rape Elimination Act – PREA, Sexually Abusive Behavior Prevention and Intervention Program, G.15, requires that following the close of an investigation into an offender’s allegation that he/she suffered sexual abuse in a department facility, the facility is required to inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.</p> <p>Policy requires the notification be completed by a member of the local SART unless the appointing authority delegates to another designee under certain circumstances. Notifications are required to be documented.</p> <ul style="list-style-type: none"> • Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison. <ul style="list-style-type: none"> o PREA Investigative Summaries – 29 o PREA Disposition Offender Notifications - 30 o Sexual Abuse Incident Review Checklist (30 days Review) -20 o Sexual Allegation Response Checklist - 27 o SART Investigation Checklist – 17 o PREA Initial Notifications – 29 o Incident Reports – 33 o Refusal of Treatment Against Medical Advice Document – 1 o Offender Grievance (PREA Related) – 1 o SART Report Consent (SANE) – 4 o Supplement Reports – 32 o Use of Force/Serious Incident Reports – 32 o Witness Statements – 32 o Offender Personal Data Summary – 29 o Disciplinary Report – 2 o Evidence/Chain of Custody – 5 |

o Triage and Medical Screening (SANE) – 5

o Medical PREA Log - 5

• Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation's Overview includes the following information:

-SART Investigator Summary

-PREA Compliance Manager Comments

-PREA Coordinator Comments

-PREA Case Closed Details

Interviewed Inmates: Three inmates that reported sexual abuse were interviewed.

Interviewed inmates were asked if they were aware that the agency/facility is required to notify them when your sexual abuse allegation has been substantiated, unsubstantiated, or unfounded. Two of the inmates reported that they were notified of the investigation process and results. One reported at another facility.

115.73 (b)

If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency to inform the inmate.

If an outside entity conducts the investigation the agency/facility will request the relevant information from the agency conducting the investigation to inform the inmate of the outcome of the investigation.

Interviewed Staff (Agency/Regional): The Inspector of the Criminal Investigations Division was asked, in an interview, if the agency's procedures require that an inmate who makes an allegation of sexual abuse must be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation? He indicated yes.

115.73 (c)

Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the agency shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer posted within the inmate's unit;
- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicated on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

A member of the SART is required to notify the inmate when staff member is no longer posted within the inmate's unit; the staff member is no longer employed at the facility; the agency learns that the staff member has been indicated on a charge related to sexual abuse within the facility or the agency learns that the staff member has been convicted on a charge related

to sexual abuse within the facility.

115.73 (d)

Following an inmate's allegation that he or she has been sexually abused by another inmate, the agency shall subsequently inform the alleged victim whenever:

- The agency learns that the alleged abuser has been indicated on a charge related to sexual abuse within the facility; or
- The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

The agency would also notify the inmate when the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse with the facility; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Interviewed Staff: The warden indicated that the facility notifies inmates who make allegations of sexual abuse when the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation. This process is done through the inmate notification form which is a part of the investigation package. A SART member or designated staff is responsible for notifying the inmate.

115.73 (e)

All such notifications or attempted notifications shall be documented.

The notification form would document, for the inmate, if the investigation was determined to be substantiated, unsubstantiated, unfounded, or referred to OPS.

Interviewed Staff: The SART confirmed that SART would be responsible for notifying an inmate of the outcome of an investigation. Notification is documented on the GDC notification Form, Attachment 5, GDC 208.6.

The facility provided PREA Disposition Offender Notifications documentation to indicate notifications are provided in compliance with GDC Policy.

115.73 (f)

An agency's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.

If an inmate is released from the department's custody the department's obligation to "notify" the inmate of the outcome of the investigation is terminated. Notifications are required to comply with the PREA Standards and DOC policies.

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| 115.76 | Disciplinary sanctions for staff |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <p>-A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program</p> <p>-Interviews</p> <p>115.76 (a)</p> <p>Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.</p> <p>Department of Corrections Policy, 208.6, Prison Rape Elimination Act. H. Discipline, 1. Disciplinary Sanction for Staff, requires that staff who engage in sexual misconduct with an offender are banned from correctional institutions or subject to disciplinary action, up to and including, termination, whichever is appropriate. Staff may be referred for criminal prosecution when appropriate.</p> <p>Staff, as a part of their PREA training, sign a GDC Sexual Assault/Sexual Misconduct Prison Rape Elimination Act (PREA) Education Acknowledgment Statement for Employees and Unsupervised Contractors and Unsupervised Volunteers which contains a warning that any violation of the policy will result in disciplinary action, including termination, or that they will be banned from entering any correctional institution. Furthermore, it asserts that in accordance with Georgia Law, O.C.G.A. 16-6-5.1, certain correctional staff members who engage in sexual contact with an offender commit sexual assault, a felony punishable by imprisonment of not less than one nor more than 25 years, a fine of \$100,000.00 or both. Staff acknowledge that an offender cannot consent to sexual activity.</p> <p>Interviewed Staff: Interviews with the facility PREA compliance manager, randomly selected staff and specialized staff indicated that the agency has a zero-tolerance policy for sexual abuse and sexual harassment. If a staff was involved in an allegation of sexual abuse the warden would place the staff on no-contact with that resident or placed on administrative leave. If the allegations were substantiated, the presumptive disciplinary action is termination.</p> <p>115.76 (b)</p> <p>Termination shall be the presumptive disciplinary sanction for who have engaged in sexual abuse.</p> <p>See section (a) response.</p> <p>115.76 (c)</p> <p>Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.</p> |

Violations of department policy related to sexual abuse or sexual harassment (other than engaging in sexual abuse) will be commensurate with the nature and circumstance of the acts committed, the staff member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories.

115.76 (d)

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

Terminations for violations of the Department sexual abuse or sexual harassment policies or resignations by staff that would have been terminated if not for their resignation are reported to law enforcement agencies unless the activity was clearly not criminal. These cases are also reported to the Georgia Peace Officers Standards and Training Council (POST).

Substantiated cases of nonconsensual sexual contact between offenders or sexual contact between a staff member and an offender will be referred for criminal prosecution.

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| 115.77 | Corrective action for contractors and volunteers |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – Volunteer Handbook -A2 – Volunteer Service Agreement -Interviews <p>115.77 (a)</p> <p>Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.</p> <p>Georgia DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, Paragraph #2. Contractors and Volunteers, requires that any contractor or volunteer who engages in sexual abuse will be prohibited from contact with inmates and will be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.</p> <p>Staff, as a part of their PREA training, sign a GDC Sexual Assault/Sexual Misconduct Prison Rape Elimination Act (PREA) Education Acknowledgment Statement for Employees and Unsupervised Contractors and Unsupervised Volunteers which contains a warning that any violation of the policy will result in disciplinary action, including termination, or that they will be banned from entering any correctional institution. Furthermore, it asserts that in accordance with Georgia Law, O.C.G.A. 16-6-5.1, certain correctional staff members who engage in sexual contact with an offender commit sexual assault, a felony punishable by imprisonment of not less than one nor more than 25 years, a fine of \$100,000.00 or both. Staff acknowledge that an offender cannot consent to sexual activity.</p> <p>115.77 (b)</p> <p>The facility shall take appropriate remedial measures and shall consider whether to prohibit further contact with inmates, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p>The facility is required to take appropriate remedial measures and to consider whether to prohibit further contact with inmates in the case of any other violation of department sexual abuse or sexual harassment policies by a contractor or volunteer.</p> <p>Interviewed Staff: The warden indicated yes to in the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, the measures that will be taken will be to prohibit further contact with inmates and reported to law enforcement.</p> <p>Interviewed Transition Center Staff: The superintendent indicated yes to in the case of any</p> |

violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, the measures that will be taken will be to prohibit further contact with inmates and reported to law enforcement.

Interviewed Staff: An interview with the volunteer coordinator stated that there have not been any allegations made against a volunteer or a contractor in the past twelve (12) months. It was also indicated that if an investigation substantiated the allegation, the volunteer or contractor would be referred for prosecution by the SAC for the Office of Professional Standards.

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| 115.78 | Disciplinary sanctions for inmates |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A2 - GDC Policy 209.01, Offender Discipline -A2 – Sanction List -A2- Inmate Disciplinary Charges Codes -Interviews <p>115.78 (a)</p> <p>Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.</p> <p>GDC policy prohibits all consensual sexual activity between offenders and offenders may be subject to disciplinary action for such activity. Consensual sexual activity between offenders does not constitute sexual abuse but is considered a disciplinary issue. Paragraph b. requires that offenders are subject to disciplinary sanctions pursuant to a formal disciplinary process following and administrative finding that the offender engaged in offender-on-offender sexual abuse or a criminal finding of guilt for offender-on-offender sexual abuse. The sanctions that may be imposed are prescribed in Standard Operating Procedures 209.01, Offender Discipline.</p> <p>GDC Policy 209.01, Offender Discipline states that prison staff are required to prepare a written Disciplinary Report using the SCRIBE Disciplinary Application and the standard forms that are part of the application when they witness a violation of departmental or prison policies, rules, or instructions or have reasonable cause to believe that such a violation has been committed by an offender. If, in the opinion of the staff member, a disciplinary report is warranted, the staff member will notify their supervisor or shift supervisor (s), and relay to him/her the circumstances surrounding the incident (s). Based upon the information received, the supervisor (s) will start a preliminary investigation of the incident; determine the correct disciplinary charge; if warranted, place the offender in administrative segregation (Pre-hearing detention), until the completion of the investigation, as assist in the writing of the disciplinary report. If the offender is placed in segregation, Attachment I, Offender Assignment to Segregation (Form 1) from SOP 209.06 Administrative Segregation will be completed by the Shift Supervisor and forwarded to the warden, superintendent, or design within 72 hours including weekends and holidays, for review. The offender (s) will also be provided with a copy of the Form 1.</p> <p>Interviewed Staff: The warden described the agency disciplinary sanctions that inmates are subject to following an administrative or criminal finding that the inmate engaged in inmate-on-inmate sexual abuse and indicated that the inmate will receive up to 30 days isolation and issuance of warrant for violation of law, if proven.</p> |

115.78 (b)

Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses other inmates with similar histories.

Interviewed Staff (Agency/Regional): An interviewed regional investigator indicated when an inmate violated a sexual abuse policy, the inmate would be charged with a crime by the Office of Professional Services investigator, who has arrest powers, and referred to the prosecutor for prosecution for the offense. If the violation was less than sexual abuse it would be treated as a rule violation and the inmate would be provided a "due process" hearing. Prior to sanction being imposed the officers are required to take into account past history as well as any mental or developmental issues. Sanctions would be imposed based on the inmates' disciplinary code.

Interviewed Staff: The warden indicated that sanctions are proportionate to the nature and circumstances of the abuses committed, the inmates' disciplinary histories, and the sanctions imposed for similar offenses by other inmates with similar histories. The disciplinary process will follow the guidelines from the inmate sanction list.

115.78 (c)

The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Policy requires that the disciplinary process consider whether an offender's mental disabilities or mental illness contributed to behavior when determining what type of sanction, if any, will be imposed. And if the facility offers therapy, counseling or other interventions to address and correct underlying reasons or motivations for the abuse, the facility is required to consider whether to offer the offending offender to participate in such interactions as a condition of access to programming or other benefits.

Interviewed Staff: The warden indicated that mental disability or mental illness are considered when determining sanctions.

115.78 (d)

If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming or other benefits.

Interviewed Staff: Interviewed medical staff was asked, "if the facility offers therapy, counseling, or other intervention services designed to address and correct the underlying reasons or motivations for sexual abuse, does the facility consider whether to offer these services to the offending inmate?" Staff indicated that when they become aware of a PREA incidents, they notify mental health immediately to provide services. When these services are provided inmate's, participation is not required as a condition of access to programming or other benefits.

Interviewed Staff: Interviewed mental health staff was asked, if the facility offers therapy, counseling, or other intervention services designed to address and correct the underlying reasons or motivations for sexual abuse, does the facility consider whether to offer these services to the offending inmate? Staff indicated that offenders that are identified as abuser can be offered a mental health evaluation and treatment as it is deemed clinically appropriate.

Mental health staff was also asked, when you provide these services, do you require an inmate's participation as a condition of access to programming or other benefits? Staff indicated no, they are not forced to participate in treatment in order to access other programming or benefits.

115.78 (e)

The agency may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

Policy affirms that an offender may be disciplined for sexual contact with a staff member only upon a finding that the staff member did not consent to such contact.

115.78 (f)

For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Reports made in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute false reporting or lying, even if the investigation does not establish sufficient evidence to substantiate the allegation. However, following an administrative finding of malicious intent on behalf of the offender making the report, then the offender will be subject to disciplinary sanctions pursuant to a formal disciplinary process in accordance with SOP 209.01, Offender Discipline.

115.78 (g)

An agency may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

See Section (a) response.

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| 115.81 | Medical and mental health screenings; history of sexual abuse |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – SOP Medical Management of Suspected Sexual Assault, Abuse or Harassment -A1 - List of inmates who reported sexual abuse while at this facility -A1 - List of Mental Health Prior Sexual Victimization During Intake -A1 - Mental Health Reception Screenings -A1 - Referrals to Mental Health Following -A1 – Inmate Prior Victimization Intake Form -A1C4 - GDC Policy 508.14, Mental Health Reception Screen -C4 – PREA Medical Log # of SANE/Forensic Exam Conducted -E1 – SART Report - Consent -GDC Policy 508.17, Identification of Offender with a History of Physical or Sexual Abuse -Interviews <p>115.81 (a)</p> <p>If the screening pursuant to standard 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.</p> <p>GDC medical policies are specific and voluminous regarding health care. Health Care services are provided through a contract. The GDC Policy, 208.06, Sexually Abusive Behavior Prevention and Intervention Program I, Medical and Mental Health Care requires that the GDC provide prompt and appropriate medical and mental health services in compliance with 28 CFR 115 and in accordance with the GDC Standard Operating Procedures.</p> <p>The auditor reviewed referrals to mental health for inmates alleging sexual abuse or sexual harassment, including prior victimization. The referral process is expedited by the fact the mental health staff conduct the victim/aggressor assessments during the intake process. Prior to the provision of services, based on referrals, documentation, including Informed Consent/Confidentiality Forms, are explained, and signed by inmates. Case notes were provided documenting the inmates who were referred were offered follow up mental health services.</p> <p>Documentation to confirm referrals to mental health were provided. Also, inmates have the right to refuse the follow-up. Documentation in the form of “refusal” forms were provided documenting that mental health follow-up had been offered and rejected by the inmate, who signs the refusal. This facility is a mental health facility and inmates abused previously as well as inmates reporting abuse at the facility, are already on the mental health caseloads.</p> <p>GDC Policy 508.14, Mental Health Reception Screen states that, it is the policy of the Georgia Department of Correction (GDC) that all offenders are screened for mental health needs and</p> |

that referrals for further evaluations are made as clinically indicated. This procedure is applicable to all Georgia Department of Corrections facilities with diagnostic units.

The auditor reviewed the following documentation.

- Reporting Documenting Mental Health followed up with inmates - 6

Interviewed Inmates: One (1) inmate that reported sexual abuse during screening were interviewed. The inmate report that the incident that he reported was at another facility in August/2020. The inmate reported that the current facility nursing and mental health staff did offer him medical and mental treatment but he declined.

The inmate also reported that he reported the incident and that he was seen by the doctor the next day after the incident occurred.

Interviewed Transition Center Inmates: One interviewed resident disclosed a prior history of sexual victimization at risk screening. When asked whether or not when they told staff at the program that they had been sexually abused whether they were asked if they wanted to meet with a medical or mental health practitioner; the resident stated that they can't recall being offered any services or meeting with a counselor specific to prior sexual abuse.

115.81 (b)

If the screening pursuant to standard 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

If the screening process indicates an offender has previously perpetrated sexual abuse whether it occurred in an institutional setting or in the community, staff ensure that the offender is offered a follow up meeting with a mental health practitioner within 14 days of the intake screening. Reviewed investigation files consistently had documented referrals to mental health at this facility.

115.81 (c)

If the screening pursuant to standard 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner with 14 days of the intake screening.

GDC Policy 508.17 Identification of Offenders with a History of Physical or Sexual Abuse states the following procedures:

- During the initial screening procedure, offenders will be assessed for a history of victimization by physical, and/or sexual abuse.
- If an offender reports a positive history of abuse and is in need of mental health services, that offender will be referred to a specially trained counselor in the area of abuse and informed of treatment options.
- If an offender reports a positive history but does not wish to receive services, the offender will be informed that they can make a request at a later date.
- It will be the responsibility of the Mental Health unit manager to ensure there is a sufficient

number of trained specially trained counselors in the area of physical and sexual abuse. In the absence of a specially trained counselor, a psychologist can provide individual therapy.

- It will be the responsibility of the Mental Health unit manager to ensure there are ample mental health programs (e.g., group (s) for trauma victims that could be facilitated by mental health counselors privileged to conduct the group (s).
- Mental health treatment programs include but not be limited to programs for those impacted by:

- o Childhood physical or sexual abuse
- o Battered spouses
- o Rape victims

- Offenders at any time can request evaluation for treatment due to a history of abuse.

GDC Policy 508.17 Identification of Offenders with a History of Physical or Sexual Abuse defines Specially Trained Counselor as any mental health counselor, or licensed clinical consultant (psychiatrist, Advanced Practice Registered Nurse (APRN), psychologist, social worker, counselor) who has successfully completed the Georgia Department of Corrections Sexual Assault Counseling Training Program or who has a comparable combination of training and experience approved by the Statewide Mental Health Program supervisor/designee.

115.81 (d)

Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

Care is taken to protect reported information. Information reported by offenders related to prior victimization or abusiveness that occurred in an institutional setting is limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education and program assignments or as otherwise required by Federal, State or local law.

115.81 (e)

Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting unless the inmate is under the age of 18.

Interviewed Staff: Interviewed medical staff were asked if they obtained informed consent from inmates before reporting about prior sexual victimization that did not occur in an institutional setting. Staff indicated that if the SANE nurse comes to do an exam, he/she will obtain the consent.

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| 115.82 | Access to emergency medical and mental health services |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – SOP Medical Management of Suspected Sexual Assault, Abuse or Harassment -A3 - PREA Medical Sexual Assault Log -A3 - Referrals to Mental Health Following a PREA Allegation (Case notes) -A3 - List of Inmates that Received In-House PREA Related Services for Emotional support -Interviews <p>115.82 (a)</p> <p>Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.</p> <p>GDC Policy, 208.6, Prison Rape Elimination Act, Sexually Abuse Behavior Prevention and Intervention Program requires the facility to provide prompt and appropriate medical and mental health services in compliance with this standard. It requires SART to arrange for immediate medical examination of the alleged victim, followed by a mental health evaluation within 24 hours. One of the SART members is a health services administrator. Medical staff are required to contact the appropriate Sexual Assault Nurse Examiner, who will respond as soon as possible, but within 72 hours of the time the alleged assault occurred to collect forensic evidence. The facility provided the agency’s procedures for SANE Nurse Evaluation/Forensic Collection. This document provides detailed procedures beginning with the initial report of sexual abuse or assault. Medical staff are charged with conducting an initial assessment of the offender to determine if there is evidence of physical trauma requiring immediate medical intervention in accordance with good clinical judgement.</p> <p>Medical staff immediately initiate all necessary urgent/emergent treatment for bleeding, wounds, and other traumas. They then complete the Nursing Protocol Assessment Form for alleged sexual assault. Facility clinicians document physical examinations in the progress notes. When medically indicated, medical staff are required to arrange transfer of the offender (if no SANEs are available on site) to the designated emergency facility for continued treatment and collection of forensic evidence. If an alleged assault occurred within 72 hours of the reported incident and the offender does not require transport to the emergency room, the designated facility SANE (from the list of SANE nurses) shall be immediately notified and an appointment scheduled for the collection of forensic evidence.</p> <p>This process will occur only if there has been penetration, including oral penetration, reported by the patient. Otherwise, no rape kit will be collected. If the sexual assault occurred more than 72 hours previously, the decision on whether the evaluation is done by a local hospital, by the SANE nurse, or facility staff will be made on a case-by-case basis. The decision is made by the health authority in consultation with the facility investigator and in accordance</p> |

with GDC PREA Policy requires that if the facility does not have a designated SANE Nurse, the offender is sent to the designated emergency room for collection of forensic evidence.

The facility maintained a Medical PREA Log by medical Staff regarding sexual assaults.

This log includes the following information:

1. Logs the date of the incident,
2. Reported within 72 hours,
3. Transport to ER,
4. Inmate consent signed,
5. SANE notified,
6. Time notified,
7. Date Exam Scheduled,
8. Date Exam completed,
9. Time SANE arrived,
10. SANE Conducting the Exam,
11. Company Chain of Command for Rape Kit, and
12. Date the rape kit is accepted by security.

Interviewed Staff: The mental health staff was asked, are the nature and scope of these services determined according to your professional judgement? Staff indicated that the nature and scope of mental health services are determined at a low threshold as indicated by reported symptomology and with consultation with upper level provides (i.e., Psychologists, Psychiatrist) and are in line with community standards of care.

Interviewed Staff: Interviewed medical staff indicated that inmate victims of sexual abuse receive timely and unimpeded access to emergency medical treatment and crisis intervention. When asked how fast this process occurs, staff advised it is done as soon as they are made aware of the incident or within 24 hours. Medical staff also indicated that the nature and scope of services is determined by medical staff professional judgement and according to the PREA guidelines.

Interviewed Inmates: Three (3) inmates that reported sexual abuse were interviewed. Interviewed inmates were asked if they had the chance to see a medical or mental health doctor/nurse in a timely fashion after you reported the abuse. Two (2) of the inmates reported that they were immediately taken to medical

115.82 (b)

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to standard 115.62 and shall immediately notify the appropriate medical and mental health practitioners.

Georgia DOC Policy, 208.6, describes, in detail, actions to take upon learning that an inmate has been the victim of sexual abuse. Actions described included the expectations for non-security first responders. Policy and local operating procedures require that upon learning of an allegation that an inmate was sexually abused, the first security staff to respond to the report is to respond in the following manner:

1. Separate the alleged victim and abuser.
2. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence, in compliance with SOP IK1-0005, Crime Scene Preservation.
3. If the abuse occurred within 72 hours 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.
4. If the abuse occurred within 72 hours ensure that the alleged abuser does not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, or eating.
5. If the first responder is not a security staff, the responder is required to request that the alleged victim not take any action that could destroy physical evidence and notify security staff immediately.

The Sexual Assault Response Team will be notified and will implement the local protocol.

The local protocol, "PREA Reporting Process" describes the actions taken by the First Responders, notification of the OIC/Duty Officer, Warden's Notification, and the actions of the Sexual Assault Response Team Leader, medical involvement, and mental health involvement. SART conducts the initial investigation. Duties of each SART member are identified and include duties for the SART leader, security, the counselor, and Health Services. Lastly the SART Investigation Process is detailed. This document serves as the facility's coordinated response plan.

Following the initial first response from the staff first becoming aware of an incident or allegation of sexual abuse, staff would contact the Sexual Assault Response Team who would take over once on the scene. They would then be responsible for ensuring the potential crime scene is protected and secured and notify the Office of Professional Standards investigators would advise the SART and then come on site if needed to collect evidence and assume the investigation.

115.82 (C)

Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Interviewed Staff: Interviewed medical staff indicated that victims of sexual abuse are offered timely information about access to emergency contraception and sexually transmitted infection prophylaxis.

Interviewed Inmates: Three (3) inmates that reported sexual abuse were interviewed.

Interviewed inmates were asked, if they were provided information about, and access to emergency contraception and/or sexually transmitted infection prophylaxis. One (1) inmate reported that he was educated about access to, emergency contraception. One (1) inmate reported that he did not need medical care. One inmate reported at other facility.

Two of the inmates reported that they were not provided information regarding emergency contraception or sexually transmitted infection prophylaxis. One of the inmates reported that he was provided information regarding emergency contraception or sexually transmitted infection prophylaxis.

115.82 (d)

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

GDC Policy VH07-001 Health Services, E., Medical Services Deemed Necessary Exempt from Fee, requires that medical care initiated by the facility is exempt from health care fees.

The department has promulgated a Local Procedure Directive encompassing the procedures related to responding to victims of sexual assault and the victim is provided the opportunity for a forensic exam as soon as possible. Forensic exams are provided at no cost to the victim.

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| 115.83 | Ongoing medical and mental health care for sexual abuse victims and abusers |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -A1 – SOP Medical Management of Suspected Sexual Assault, Abuse or Harassment -A1 - Referrals to Mental Health Following a PREA Allegation -A1 - Transitional Community Plans for Rape Inmates -Interviews <p>115.83 (a)</p> <p>The facility shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.</p> <p>The agency’s “Procedure for SANE Nurse Evaluation/Forensic Collection” provides specific actions required when an inmate alleges sexual abuse/assault. It requires that following a SANE Examination, the facility provider or designee is responsible for ordering prophylactic treatment for STIs. A follow up visit by a clinician is required three working days following the exam. The facility has facility specific coordinated response plan (Local Procedure Directive). This plan requires each victim receive a mental health evaluation within 24 hours.</p> <p>115.83 (b)</p> <p>The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or replacement in, other facilities, or their release from custody.</p> <p>Interviewed Staff: Interviewed mental health care staff was asked, “what does evaluation and treatment of inmates who have been victimized entail?” Staff indicated that offenders that are victims of sexual abuse or sexual harassment are given a mental health evaluation that focuses on the emotional impact of the incident on mental health. The offenders are evaluated to determine any anxiety or depressive symptoms related to the trauma. Offenders are often referred for counseling, psychotherapy, and or Psychiatric medications to assist with managing symptoms. A comprehensive Treatment Plan is completed on these needing services from these incidents.</p> <p>Interviewed Inmates: Three inmates that reported sexual abuse were interviewed. Interviewed inmates were asked, “did the medical or mental health doctor/nurse discuss with your follow-up services, treatment plans, or any, if necessary, referrals for continued care?” Two of the inmates reported that they received medical and mental health services. One inmate report that he was afforded medical and mental health services. Two inmates reported that they were offered follow up services but did not need the services.</p> <p>15.83 (c)</p> |

The facility shall provide such victims with medical and mental health services consistent with the community level of care.

Interviewed Staff: Interviewed medical staff indicated that the facility medical and mental health services offered is consistent with community levels of care, if not higher.

115.83 (d)

Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

Interviewed Staff: Interviewed medical staff was asked, “if pregnancy results from sexual abuse while incarcerated, are victims given timely information and access to all lawful pregnancy related services?” Staff stated that this does not apply to our facility. Our facility is male only.

115.83 (e)

If pregnancy results from the conduct described in paragraph (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

Interviewed Staff: Interviewed medical staff was asked, “if pregnancy results from sexual abuse while incarcerated, are victims given timely information and access to all lawful pregnancy related services?” Staff stated “this does not apply to our facility. Our facility is male only.”

115.83 (f)

Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

115.83 (g)

Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

GDC Policy VH07-001 Health Services, E., Medical Services Deemed Necessary Exempt from Fee, requires that medical care initiated by the facility is exempt from health care fees.

The department has promulgated a Local Procedure Directive encompassing the procedures related to responding to victims of sexual assault and the victim is provided the opportunity for a forensic exam as soon as possible. Forensic exams are provided at no cost to the victim.

Interviewed Inmates: Three inmates that reported sexual abuse were interviewed.

Interviewed inmates were asked, “did you have to pay for any treatment related to this incident of sexual abuse (including any co-pays)?” All three inmates denied paying for any medical services related to sexual abuse.

115.83 (h)

All prisons shall attempt to conduct a mental health evaluation of all known inmate-on-inmate

abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

GDC policy requires that the facility attempt to conduct a mental health evaluation of all known inmate on inmate abusers within 60 days of becoming aware of such history and offer treatment as appropriate.

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| 115.86 | Sexual abuse incident reviews |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -Investigation Packages for the past 12 months -Agency PREA Coordinator Investigation’s Overviews -C1 - Memo: Incidents Review Team Members -A2 - PREA Investigative Summaries -Interviews <p>115.86 (a)</p> <p>The facility shall conduct a sexual abuse incident review 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.</p> <p>GDC Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program J. Data Collection and Review, 1. Monthly Sexual Abuse and Sexual Assault Program Review, affirms and requires that each facility meet once per month to review and assess the facility’s PREA prevention, detection, and response efforts. During that meeting, policy requires an incident review to be conducted for each sexual abuse allegation that has been concluded within the past 30 days. This review is to be conducted on all abuse allegation deemed to be substantiated and unsubstantiated. Reviews of unfounded allegations are not necessary.</p> <p>The facility provided the auditor documentation entitled “Sexual Abuse Incident Review Checklist”. The facility conducts a sexual abuse incident review at the conclusion of every substantiated and unsubstantiated sexual abuse investigation. The review shall be conducted during the monthly designated PREA meeting but no more than within 30 days of the conclusion of the investigation.</p> <p>The Sexual Abuse Incident Review Checklist include the inmates name, date, the checklist which includes all required questions, improvements, warden/superintendent review, and when the PREA compliance manager was notified.</p> <ul style="list-style-type: none"> • Investigation Packages – The facility reported a total of 32 PREA investigations in the past 12 months - Phillips State Prison. o PREA Investigative Summaries – 29 o PREA Disposition Offender Notifications - 30 o Sexual Abuse Incident Review Checklist (30 days Review) -20 o Sexual Allegation Response Checklist - 27 o SART Investigation Checklist – 17 o PREA Initial Notifications – 29 o Incident Reports – 33 |

- o Refusal of Treatment Against Medical Advice Document – 1
- o Offender Grievance (PREA Related) – 1
- o SART Report Consent (SANE) – 4
- o Supplement Reports – 32
- o Use of Force/Serious Incident Reports – 32
- o Witness Statements – 32
- o Offender Personal Data Summary – 29
- o Disciplinary Report – 2
- o Evidence/Chain of Custody – 5
- o Triage and Medical Screening (SANE) – 5
- o Medical PREA Log - 5

• Investigation Packages – Phillips Transitional Center (None)

Allegations made through the grievance process were turned over to the SART for investigation and not processed through the regular grievance process.

The PREA Coordinator Investigation’s Overview includes the following information:

- SART Investigator Summary
- PREA Compliance Manager Comments
- PREA Coordinator Comments
- PREA Case Closed Details

115.86 (b)

Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

See Section (a) response.

115.86 (c)

The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

Policy requires that the members of the incident review team consist of the PREA compliance manager, SART, and representatives from upper-level management, line supervisors and other staff members, as designated by the warden of the facility. The warden proved a memo designating the members of the SART for the facility.

Interviewed Staff: The warden indicated that the facility has a review team and the team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners. Upper-level management listed are the deputy warden of Care & Treatment, deputy warden of Security, and unit manager.

Interviewed Staff: The PREA compliance manager indicated that the facility conducts sexual abuse incident review at the conclusion of every substantiated, unsubstantiated and unfounded sexual abuse investigation which is led by SART.

Interviewed Transition Center Staff: The PREA compliance manager indicated that if the facility conducts sexual abuse incident review at the conclusion of every substantiated, unsubstantiated and unfounded sexual abuse investigation which is led by SART.

115.86 (d)

The review team shall:

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

Team members consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse; whether the allegation was motivated by the perpetrator's or victim's race, ethnicity, gender identity, gay, lesbian, bisexual, transgender or intersex identification, status or perceived status, or gang affiliation, or was motivated by other group dynamics at the facility; to examine the area where the incident allegedly occurred to assess whether physical barriers in the area enabled the abuse; to assess the adequacy of staffing levels in the area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff and prepare a report of findings, including, but not limited to, determinations regarding all of the above and any recommendations for improvements, and submit the report to the warden or PREA compliance manager.

Interviewed Staff: The warden indicated that the facility review team considers all the PREA requirements to ensure the safety and security of inmates and make all necessary changes to enhance the safety levels by reviewing locations of incidents, making policy changes and deployment of staff.

115.86 (e)

The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

Interviewed Staff: The facility PREA compliance manager indicated that PREA reports are forwarded to her for review and she has noticed the following trends. Many inmate's alleged assaults occur in their living cells. No cameras are located in cells.

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| 115.87 | Data collection |
| | <p data-bbox="252 170 927 203">Auditor Overall Determination: Exceeds Standard</p> <p data-bbox="252 248 523 282">Auditor Discussion</p> <p data-bbox="252 327 592 360">Supporting Information:</p> <ul data-bbox="252 405 1366 607" style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -C2 - 2019 SSV Report -B1 - 2019 PREA Report -Interviews <p data-bbox="252 647 387 680">115.87 (a)</p> <p data-bbox="252 719 1374 797">The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.</p> <p data-bbox="252 835 1437 958">GDC Policy 220.09 Classification and Management of Transgender and Intersex Offenders states that GDC will screen all offenders within (24) hours by using the PREA Sexual Victim/Sexual Aggressor Classification Screening Instrument in SCRIBE.</p> <p data-bbox="252 996 1461 1117">The Georgia Department of Corrections collects accurate and uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions and aggregates the incident-base sexual abuse data at least annually.</p> <p data-bbox="252 1155 1469 1447">GDC Policy 208.06, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, j.3, requires each facility to submit to the department’s PREA analyst, each month, a report, using the electronic spreadsheet provided from the PREA coordinator’s office. The form submitted by email the fifth calendar day of the month following the reporting month. It requires that allegations occurring within the month will be included on this report along with the appropriate disposition. The monthly report is to be completed in accordance with the Facility PREA Log User Guide.</p> <p data-bbox="252 1485 1485 1731">The most recent Georgia Department of Corrections Annual Report. The agency issues annual PREA reports and posts them on the GDC Website. The review of the 2019 Georgia Department of Corrections Prison Rape Elimination Annual Report. The report was detailed and comprehensive. The report indicated that the Georgia DOC has 34 prisons, 13 transitional centers, 9 probation detention centers, 5 substance abuse and integrate treatment facilities and 4 private prisons.</p> <p data-bbox="252 1769 1390 1848">Data is collected from each of the facilities and aggregated. Georgia DOC compiles and investigates PREA allegations in 4 major categories including:</p> <ol data-bbox="252 1886 683 2051" style="list-style-type: none"> 1. Staff on inmate Abuse 2. Staff on inmate Harassment 3. Inmate on inmate Abuse 4. Inmate on inmate Harassment <p data-bbox="252 2089 1477 2123">The report provided data regarding the total number of allegations from all facilities and then it</p> |

breaks the allegations down into those that were substantiated, unsubstantiated and unfounded. A chart then breaks down the data by facility. The report concluded with a breakdown of PREA related initiatives in each of the Georgia Department of Corrections. Statistics are provided for each GDC facility.

The GDC PREA Unit has a dedicated staff person, an analyst, who collects and analyzes the data. Based on the data reviewed the GDC can track allegations and investigations and findings from each facility and assess the need for any corrective actions.

115.87 (b)

The agency shall aggregate the incident-based sexual abuse data at least annually.

The auditor reviewed the Georgia Department of Corrections 2019 Annual PREA Report. The report incident-based sexual abuse data is aggregate annually and approve by the agency.

115.87 (c)

The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the US Department Justice. The department maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews. Information is also secured from every facility, including private facilities with whom, DOC contracts for the confinement of inmates.

A review of the Survey of Sexual Victimization 2019 / State Prison Systems Summary Form indicated the following:

-Between January 1, 2019, and December 31, 2019 how many allegations of inmate-on-inmate nonconsensual sexual Acts were reported? 382 – substantiated 22; unsubstantiated 261; unfounded 99; investigation ongoing 0.

-Between January 1, 2019, and December 31, 2019 how may allegations of inmate-on-inmate sexual harassment be reported? 372 – substantiated 13; unsubstantiated 270; unfounded 89; investigation ongoing 0.

-Between January 1, 2019, and December 31, 2019, how many allegations of staff sexual misconduct were reported? 219 – substantiated 13; unsubstantiated 89; unfounded 117; investigation ongoing 0.

-Between January 1, 2019, and December 31, 2019, how many allegations of staff sexual harassment were reported? 356 – substantiated 3; unsubstantiated 176; unfounded 177; investigation ongoing 0.

The total of substantiated cases was 51.

115.87 (d)

The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

See Section (c) response.

115.87 (e)

The agency also shall obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

See Section (c) response.

115.87 (f)

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Upon request, DOC provides data from the previous calendar year to the US Department of Justice no later than June 30th.

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| 115.88 | Data review for corrective action |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - 2019 SSV Report -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -C1 - Agency Website (PREA Cycles) -C3 - 2019 Annual PREA Report -Interviews <p>115.88 (a)</p> <p>The agency shall review data collected and aggregated pursuant to standard 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:</p> <ul style="list-style-type: none"> • Identifying problem areas. • Taking corrective action on an ongoing basis; and • Preparing an annual report of its findings and corrective actions for each facility, as well as the agency. <p>The Georgia Department of Corrections requires each facility to conduct incident reviews after each sexual abuse allegation investigation if the allegations are founded or unsubstantiated. The purpose of this is to determine what the motivation for the incident was and to assess whether there is a need for corrective actions including additional staff training, staffing changes or requests for additional video monitoring technology or other actions to help prevent similar incidents in the future.</p> <p>The agency reviews data collected to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training, including identifying problem areas; taking corrective action on an ongoing basis and preparing an annual report of its findings and corrective actions for each facility and the GDC. The department has a dedicated staff person whose job is to collect and analyze the data.</p> <p>Interviewed Staff (Agency/Regional): The agency Head designee was asked, how do you use incident-based sexual abuse data to assess and improve sexual abuse prevention, detection, and response policies, practices, and training?</p> <p>The designee referred to the 2019 Prison Rape Elimination Act Annual Report (PREA). After reviewing the report, the agency listed PREA Coordinator recommendations and actions along with PREA Focused Initiatives. The PREA Unit has an analyst who collects data from statewide reports and incidents. The data is used to generate statewide reports related to PREA. The data can be used to identify trends in individual facilities as well as statewide trends.</p> <p>Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, does the agency review data collected and aggregated pursuant to 115.87 in order to assess and</p> |

improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training?

The PREA Coordinated indicated data is collected and reviewed monthly and annually. The purpose of the review is to identify trends or issues that need to be considered and/or addressed. The PREA Unit receives data through several processes. The PREA Unit receives reports of allegations of sexual abuse and sexual harassment on a daily basis. They maintain data on the phone calls they receive via the agency hotline and otherwise. Monthly reports are submitted to the PREA Unit. These include the allegations of Inmate-on-Inmate Sexual Abuse; Inmate on Inmate Sexual Harassment; Staff on Inmate Sexual Abuse and Staff on Inmate Sexual Harassment. This information is collected and analyzed by the PREA Coordinator and her team, including the PREA Analyst. Investigations are also uploaded into the agency's computerized system. This information enables the PREA Unit to track the progress of investigations as well as to review the quality of the investigation.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, does the agency take corrective action on an ongoing basis based on these data?

The PREA Coordinator indicated, in an interview, that data is collected at least monthly from every facility in GDC. This information enables the PREA Unit to analyze the collected data and to identify any issues that may need to be addressed. Based on the data from the monthly reports and the annual report, the PREA Unit may initiate corrective actions for the agency or for specific prisons or programs.

115.88 (b)

Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

The auditor reviewed the Georgia Department of Corrections 2019 Annual PREA Report. The report incident-based sexual abuse data is aggregate annually and approve by the agency. On page 7 of the report the agency has provided a comparison with previous years 2013 – 2019.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, does the agency prepare an annual report of findings from its data review and any corrective actions for each facility, as well as the agency as a whole?

The PREA Coordinator affirmed that the agency, using the data collected, reviews the data, attempts to identify any issues related to PREA and to develop a plan for corrective action.

Interviewed Staff: The facility PREA Compliance manager was asked, If the agency 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, what role does the facility and facility data play in the review? She indicated that the facility complete monthly sexual abuse program review. These reports are shared with management and the PREA unit for feedback.

Interviewed Transition Center Staff: The facility PREA Compliance manager was asked, If the agency 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, what role does the facility and facility data play in the review? She indicated that the facility complete monthly sexual abuse program review. These reports are shared with management and the PREA unit for feedback.

115.88 (c)

The agency's report shall be approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

The reviewed of the Georgia DOC 2019 PREA Annual report identified initiatives at each GDC facility to improve and enhance the facility and agency's approach to prevention, detection, responding and reporting sexual abuse and sexual harassment. The 2019 annual report included the following:

- Introduction
- Total Allegations (Charts)
- Allegation Types and Dispositions
- Comparison with Previous Years: 2013 – 2019
- Substantiated Cases Per Year Chart
- Allegations Versus Population Chart
- Sexual Abuse Response Team (SART) Training
- PREA Focused Initiatives
- Partnered Initiatives
- Physical Plant Improvements
- Corrective Actions Taken/Recommendations

Annual reports are posted on the Georgia Department of Corrections website and have been approved by the agency.

115.88 (d)

The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted.

The auditor reviewed the Georgia Department of Corrections 2019 Annual PREA Report. The report redacts specific information form the reports that may cause specific threats to the safety and security.

Interviewed Staff (Agency/Regional): The agency PREA coordinator was asked, what types of material are typically redacted from the annual report? Does the agency indicate the nature of material redacted?

The PREA Coordinator indicated that personally identifying information is redacted from the annual reports.

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| 115.89 | Data storage, publication, and destruction |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <p>-A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program</p> <p>-Interviews</p> <p>115.89 (a)</p> <p>The agency shall ensure that data collected pursuant to standard 115.87 are securely retained.</p> <p>Georgia Department of Corrections makes all aggregated sexual abuse data from all facilities under its direct control and private facilities with whom its contracts, readily available to the public through the Georgia GDC Website. GDC policy requires all reports are securely retained and maintained for at least 10 years after the date of the initial collection unless the Federal, State, or local laws require otherwise.</p> <p>GDC Policy 208.06, Prison Rape Elimination Act-PREA, Sexual Abusive Behavior Prevention and Intervention Program, VI. Record Retention of Forms Relevant to this Policy, requires that the retention of PREA related documents and investigations will be securely retained and made in accordance with policy in VI.1, Sexual abuse data, files and related documentation requires they are retained at least 10 years from the date of the initial report.</p> <p>115.89 (b)</p> <p>The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.</p> <p>Review of the Georgia Department of Corrections website indicated that the agency makes all aggregated sexual abuse data to include the annually reports. Reports are published on the website for public access.</p> <p>115.89 (c)</p> <p>Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.</p> <p>Review of the Georgia Department of Corrections website indicated that the agency removes all personal identifiers for the annual report before publishing on the website.</p> <p>115.89 (d)</p> <p>The agency shall maintain sexual abuse data collected pursuant to 115.87 for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.</p> |

Criminal investigations data, files and related documentation is required to be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years or 10 years from the date of the initial report, whichever is greater. Administrative investigation data files and related documentation is to be retained for as long as the alleged abuser is incarcerated or employed by the agency, plus five years; or 10 years from the date of the initial report, whichever is greater.

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| 115.401 | Frequency and scope of audits |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -Agency Website (PREA Cycles) -A1 – GDC Facility Types -Notices of PREA Audit -Interviews <p>115.401 (a)</p> <p>During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or a private organization on behalf of the agency, is audited at least once.</p> <p>GDC Policy, 208.06, Prison Rape Elimination Act-PREA, Sexually Abuse Behavior Prevention and Intervention Program, K. Audits, asserts that the Department will conduct audits pursuant to 28.C.F.R/115-401-405. Each facility operated by the department will be audited every three years or on a schedule determined by the PREA coordinator.</p> <p>A review of the agency’s website provided the following PREA audit reports:</p> <ul style="list-style-type: none"> • PREA Audit Reports 1st Cycle • PREA Audit Reports 2nd Cycle • PREA Audit Reports 3rd Cycle <p>Compliant.</p> <p>115.401 (b)</p> <p>During each one-year period starting on August 20, 2013, the agency shall ensure that at least one third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.</p> <p>A review of the agency’s website provided the following PREA audit reports:</p> <ul style="list-style-type: none"> • PREA Audit Reports 1st Cycle • PREA Audit Reports 2nd Cycle • PREA Audit Reports 3rd Cycle <p>Compliant.</p> <p>115.401 (c)</p> <p>The Department of Justice may send a recommendation to an agency for an expedited audit if the department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that</p> |

may assist the agency with PREA related issues.

Compliant.

115.401 (d)

The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.

Compliant.

115.401 (e)

The agency shall bear the burden of demonstrating compliance with the standards.

Compliant.

115.401 (f)

The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditation for each facility type.

Compliant.

115.401 (g)

The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.

Compliant.

115.401 (h)

The auditor shall have access to, and shall observe, all areas of the audited facilities.

Compliant.

115.401 (i)

The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).

Compliant.

115.401 (j)

The auditor shall retain and preserve all documentation relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.

Compliant.

115.401 (k)

The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.

Compliant.

115.401 (l)

The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.

Compliant.

115.401 (m)

Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.

Compliant.

115.401 (n)

Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

Compliant.

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| 115.403 | Audit contents and findings |
| | Auditor Overall Determination: Meets Standard |
| | Auditor Discussion |
| | <p>Supporting Information:</p> <ul style="list-style-type: none"> -A1 - GDC Policy 208.6. Prison Rape Elimination Act-PREA, Sexually Abuse Behavior, Prevention and Intervention Program -Agency Website (PREA Cycles) -Interviews <p>115.403 (a)</p> <p>Each audit shall include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.</p> <p>Compliant.</p> <p>115.403 (b)</p> <p>Audit reports shall state whether agency-wide policies and procedures comply with relevant PREA standards.</p> <p>Compliant.</p> <p>115.403 (c)</p> <p>For each PREA standard, the auditor shall determine whether the audited facility reaches one of the following findings: Exceeds Standards, Meets Standards; Or Does Not Meet Standard. The audit summary shall indicate, among other things, the number of provisions the facility has achieved at each grade level.</p> <p>Compliant.</p> <p>115.403 (d)</p> <p>Audit reports shall describe the methodology, sampling sizes, and basis for the auditor's conclusions about each standard provision for each audited facility and shall include recommendations for any required corrective action.</p> <p>Compliant.</p> <p>115.403 (e)</p> <p>Auditor shall redact any personally identifiable inmate or staff information from their reports, but shall provide such information to the agency upon request, and may provide such information to the Department of Justice.</p> <p>Compliant.</p> <p>115.403 (f)</p> |

The agency shall ensure that the auditor's final report is published on the agency's website if it has one or is otherwise made readily available to the public.

Compliant.

| Appendix: Provision Findings | | |
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| 115.11 (a) | Zero tolerance of sexual abuse and sexual harassment; PREA coordinator | |
| | Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment? | yes |
| | Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment? | yes |
| 115.11 (b) | Zero tolerance of sexual abuse and sexual harassment; PREA coordinator | |
| | Has the agency employed or designated an agency-wide PREA Coordinator? | yes |
| | Is the PREA Coordinator position in the upper-level of the agency hierarchy? | yes |
| | Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities? | yes |
| 115.11 (c) | Zero tolerance of sexual abuse and sexual harassment; PREA coordinator | |
| | If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) | yes |
| | Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.) | yes |
| 115.12 (a) | Contracting with other entities for the confinement of inmates | |
| | If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) | yes |
| 115.12 (b) | Contracting with other entities for the confinement of inmates | |
| | Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) | yes |
| 115.13 (a) | Supervision and monitoring | |
| | Does the facility have a documented staffing plan that provides for | yes |

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| | adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse? | |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift? | na |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? | yes |
| | In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? | yes |

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| 115.13 (b) | Supervision and monitoring | |
| | In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.) | yes |
| 115.13 (c) | Supervision and monitoring | |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? | yes |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies? | yes |
| | In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? | yes |
| 115.13 (d) | Supervision and monitoring | |
| | Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? | yes |
| | Is this policy and practice implemented for night shifts as well as day shifts? | yes |
| | Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? | yes |
| 115.14 (a) | Youthful inmates | |
| | Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |

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| 115.14 (b) | Youthful inmates | |
| | In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| | In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| 115.14 (c) | Youthful inmates | |
| | Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| | Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| | Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).) | na |
| 115.15 (a) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners? | yes |
| 115.15 (b) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.) | na |
| | Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.) | na |
| 115.15 (c) | Limits to cross-gender viewing and searches | |
| | Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches? | yes |
| | Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)? | na |

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| 115.15 (d) | Limits to cross-gender viewing and searches | |
| | Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? | yes |
| | Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? | yes |
| | Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? | yes |
| 115.15 (e) | Limits to cross-gender viewing and searches | |
| | Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status? | yes |
| | If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? | yes |
| 115.15 (f) | Limits to cross-gender viewing and searches | |
| | Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? | yes |
| | Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? | yes |
| 115.16 (a) | Inmates with disabilities and inmates who are limited English proficient | |
| | Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? | yes |
| | Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual | yes |

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| | abuse and sexual harassment, including: inmates who are blind or have low vision? | |
| | Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? | yes |
| | Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? | yes |
| | Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities? | yes |
| | Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.) | yes |
| | Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? | yes |
| | Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? | yes |
| | Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? | yes |
| | Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? | yes |
| | Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision? | yes |

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| 115.16 (b) | Inmates with disabilities and inmates who are limited English proficient | |
| | Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? | yes |
| | Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? | yes |
| 115.16 (c) | Inmates with disabilities and inmates who are limited English proficient | |
| | Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations? | yes |

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| 115.17 (a) | Hiring and promotion decisions | |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? | yes |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? | yes |
| | Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? | yes |
| | Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above? | yes |
| 115.17 (b) | Hiring and promotion decisions | |
| | Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? | yes |
| | Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? | yes |

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| 115.17 (c) | Hiring and promotion decisions | |
| | Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check? | yes |
| | Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make 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 of sexual abuse? | yes |
| 115.17 (d) | Hiring and promotion decisions | |
| | Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? | yes |
| 115.17 (e) | Hiring and promotion decisions | |
| | Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? | yes |
| 115.17 (f) | Hiring and promotion decisions | |
| | Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? | yes |
| | Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? | yes |
| | Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? | yes |
| 115.17 (g) | Hiring and promotion decisions | |
| | Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? | yes |

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| 115.17 (h) | Hiring and promotion decisions | |
| | Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) | na |
| 115.18 (a) | Upgrades to facilities and technologies | |
| | If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.) | yes |
| 115.18 (b) | Upgrades to facilities and technologies | |
| | If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.) | yes |
| 115.21 (a) | Evidence protocol and forensic medical examinations | |
| | If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |

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| 115.21 (b) | Evidence protocol and forensic medical examinations | |
| | Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |
| | Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) | yes |
| 115.21 (c) | Evidence protocol and forensic medical examinations | |
| | Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate? | yes |
| | Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? | yes |
| | If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? | yes |
| | Has the agency documented its efforts to provide SAFEs or SANEs? | yes |
| 115.21 (d) | Evidence protocol and forensic medical examinations | |
| | Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? | yes |
| | If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.) | na |
| | Has the agency documented its efforts to secure services from rape crisis centers? | yes |

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| 115.21 (e) | Evidence protocol and forensic medical examinations | |
| | As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews? | yes |
| | As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? | yes |
| 115.21 (f) | Evidence protocol and forensic medical examinations | |
| | If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) | yes |
| 115.21 (h) | Evidence protocol and forensic medical examinations | |
| | If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.) | na |
| 115.22 (a) | Policies to ensure referrals of allegations for investigations | |
| | Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? | yes |
| | Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? | yes |
| 115.22 (b) | Policies to ensure referrals of allegations for investigations | |
| | Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? | yes |
| | Has the agency published such policy on its website or, if it does not have one, made the policy available through other means? | yes |
| | Does the agency document all such referrals? | yes |

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| 115.22 (c) | Policies to ensure referrals of allegations for investigations | |
| | If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) | na |
| 115.31 (a) | Employee training | |
| | Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment? | yes |
| | Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures? | yes |
| | Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment? | yes |
| | Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? | yes |
| | Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? | yes |
| | Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? | yes |
| | Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? | yes |
| | Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? | yes |
| | Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? | yes |
| | Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? | yes |

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| 115.31 (b) | Employee training | |
| | Is such training tailored to the gender of the inmates at the employee's facility? | yes |
| | Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? | yes |
| 115.31 (c) | Employee training | |
| | Have all current employees who may have contact with inmates received such training? | yes |
| | Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures? | yes |
| | In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies? | yes |
| 115.31 (d) | Employee training | |
| | Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? | yes |
| 115.32 (a) | Volunteer and contractor training | |
| | Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures? | yes |
| 115.32 (b) | Volunteer and contractor training | |
| | Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? | yes |
| 115.32 (c) | Volunteer and contractor training | |
| | Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? | yes |

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| 115.33 (a) | Inmate education | |
| | During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment? | yes |
| | During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? | yes |
| 115.33 (b) | Inmate education | |
| | Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? | yes |
| | Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? | yes |
| | Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents? | yes |
| 115.33 (c) | Inmate education | |
| | Have all inmates received the comprehensive education referenced in 115.33(b)? | yes |
| | Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility? | yes |
| 115.33 (d) | Inmate education | |
| | Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? | yes |
| | Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? | yes |
| | Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? | yes |
| | Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? | yes |
| | Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? | yes |

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| 115.33 (e) | Inmate education | |
| | Does the agency maintain documentation of inmate participation in these education sessions? | yes |
| 115.33 (f) | Inmate education | |
| | In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? | yes |
| 115.34 (a) | Specialized training: Investigations | |
| | In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) | yes |
| 115.34 (b) | Specialized training: Investigations | |
| | Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) | yes |
| | Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) | yes |
| | Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) | yes |
| | Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) | yes |
| 115.34 (c) | Specialized training: Investigations | |
| | Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) | yes |

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| 115.35 (a) | Specialized training: Medical and mental health care | |
| | Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) | yes |
| | Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) | yes |
| | Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) | yes |
| | Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) | yes |
| 115.35 (b) | Specialized training: Medical and mental health care | |
| | If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) | yes |
| 115.35 (c) | Specialized training: Medical and mental health care | |
| | Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) | yes |

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| 115.35 (d) | Specialized training: Medical and mental health care | |
| | Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.) | yes |
| | Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) | yes |
| 115.41 (a) | Screening for risk of victimization and abusiveness | |
| | Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? | yes |
| | Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? | yes |
| 115.41 (b) | Screening for risk of victimization and abusiveness | |
| | Do intake screenings ordinarily take place within 72 hours of arrival at the facility? | yes |
| 115.41 (c) | Screening for risk of victimization and abusiveness | |
| | Are all PREA screening assessments conducted using an objective screening instrument? | yes |

| 115.41 (d) | Screening for risk of victimization and abusiveness | |
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| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability? | yes |
| | Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? | yes |

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| 115.41 (e) | Screening for risk of victimization and abusiveness | |
| | In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse? | yes |
| | In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses? | yes |
| | In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse? | yes |
| 115.41 (f) | Screening for risk of victimization and abusiveness | |
| | Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? | yes |
| 115.41 (g) | Screening for risk of victimization and abusiveness | |
| | Does the facility reassess an inmate's risk level when warranted due to a referral? | yes |
| | Does the facility reassess an inmate's risk level when warranted due to a request? | yes |
| | Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse? | yes |
| | Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness? | yes |
| 115.41 (h) | Screening for risk of victimization and abusiveness | |
| | Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? | yes |
| 115.41 (i) | Screening for risk of victimization and abusiveness | |
| | Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates? | yes |

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| 115.42 (a) | Use of screening information | |
| | Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? | yes |
| | Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? | yes |
| | Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? | yes |
| | Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? | yes |
| | Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? | yes |
| 115.42 (b) | Use of screening information | |
| | Does the agency make individualized determinations about how to ensure the safety of each inmate? | yes |
| 115.42 (c) | Use of screening information | |
| | When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? | yes |
| | When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems? | yes |

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| 115.42 (d) | Use of screening information | |
| | Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? | yes |
| 115.42 (e) | Use of screening information | |
| | Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? | yes |
| 115.42 (f) | Use of screening information | |
| | Are transgender and intersex inmates given the opportunity to shower separately from other inmates? | yes |
| 115.42 (g) | Use of screening information | |
| | Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) | yes |
| | Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) | yes |
| | Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.) | yes |

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| 115.43 (a) | Protective Custody | |
| | Does the facility always refrain from placing inmates at high risk for sexual victimization 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? | yes |
| | If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? | yes |
| 115.43 (b) | Protective Custody | |
| | Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? | yes |
| | Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? | yes |
| | Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? | yes |
| | Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? | yes |
| | If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) | na |
| | If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) | na |
| | If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) | na |

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| 115.43 (c) | Protective Custody | |
| | Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? | yes |
| | Does such an assignment not ordinarily exceed a period of 30 days? | yes |
| 115.43 (d) | Protective Custody | |
| | If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety? | yes |
| | If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged? | yes |
| 115.43 (e) | Protective Custody | |
| | In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? | yes |
| 115.51 (a) | Inmate reporting | |
| | Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment? | yes |
| | Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? | yes |
| | Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents? | yes |

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| 115.51 (b) | Inmate reporting | |
| | Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? | yes |
| | Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? | yes |
| | Does that private entity or office allow the inmate to remain anonymous upon request? | yes |
| | Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.) | na |
| 115.51 (c) | Inmate reporting | |
| | Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? | yes |
| | Does staff promptly document any verbal reports of sexual abuse and sexual harassment? | yes |
| 115.51 (d) | Inmate reporting | |
| | Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? | yes |
| 115.52 (a) | Exhaustion of administrative remedies | |
| | Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse. | yes |

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| 115.52 (b) | Exhaustion of administrative remedies | |
| | Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) | yes |
| | Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| 115.52 (c) | Exhaustion of administrative remedies | |
| | Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) | yes |
| | Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) | yes |
| 115.52 (d) | Exhaustion of administrative remedies | |
| | Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) | yes |
| | If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) | yes |
| | At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) | yes |

| 115.52 (e) | Exhaustion of administrative remedies | |
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| | Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| | Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) | yes |
| | If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.) | yes |

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| 115.52 (f) | Exhaustion of administrative remedies | |
| | Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| | After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.) | yes |
| | After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) | yes |
| | After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) | yes |
| | Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) | yes |
| | Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) | yes |
| | Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) | yes |
| 115.52 (g) | Exhaustion of administrative remedies | |
| | If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) | yes |

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| 115.53 (a) | Inmate access to outside confidential support services | |
| | Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? | yes |
| | Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.) | na |
| | Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? | yes |
| 115.53 (b) | Inmate access to outside confidential support services | |
| | Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? | yes |
| 115.53 (c) | Inmate access to outside confidential support services | |
| | Does the agency 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? | yes |
| | Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? | yes |
| 115.54 (a) | Third-party reporting | |
| | Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? | yes |
| | Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? | yes |

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| 115.61 (a) | Staff and agency reporting duties | |
| | Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? | yes |
| | Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? | yes |
| | Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? | yes |
| 115.61 (b) | Staff and agency reporting duties | |
| | Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions? | yes |
| 115.61 (c) | Staff and agency reporting duties | |
| | Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? | yes |
| | Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services? | yes |
| 115.61 (d) | Staff and agency reporting duties | |
| | If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? | yes |
| 115.61 (e) | Staff and agency reporting duties | |
| | Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators? | yes |

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| 115.62 (a) | Agency protection duties | |
| | When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? | yes |
| 115.63 (a) | Reporting to other confinement facilities | |
| | Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? | yes |
| 115.63 (b) | Reporting to other confinement facilities | |
| | Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? | yes |
| 115.63 (c) | Reporting to other confinement facilities | |
| | Does the agency document that it has provided such notification? | yes |
| 115.63 (d) | Reporting to other confinement facilities | |
| | Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? | yes |

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| 115.64 (a) | Staff first responder duties | |
| | Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser? | yes |
| | Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? | yes |
| | Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: 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, if the abuse occurred within a time period that still allows for the collection of physical evidence? | yes |
| | Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? | yes |
| 115.64 (b) | Staff first responder duties | |
| | If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff? | yes |
| 115.65 (a) | Coordinated response | |
| | Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? | yes |
| 115.66 (a) | Preservation of ability to protect inmates from contact with abusers | |
| | Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? | yes |

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| 115.67 (a) | Agency protection against retaliation | |
| | Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? | yes |
| | Has the agency designated which staff members or departments are charged with monitoring retaliation? | yes |
| 115.67 (b) | Agency protection against retaliation | |
| | Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? | yes |

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| 115.67 (c) | Agency protection against retaliation | |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment 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? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? | yes |
| | Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? | yes |
| | Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? | yes |
| 115.67 (d) | Agency protection against retaliation | |
| | In the case of inmates, does such monitoring also include periodic status checks? | yes |

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| 115.67 (e) | Agency protection against retaliation | |
| | If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation? | yes |
| 115.68 (a) | Post-allegation protective custody | |
| | Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? | yes |
| 115.71 (a) | Criminal and administrative agency investigations | |
| | When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).) | yes |
| | Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).) | yes |
| 115.71 (b) | Criminal and administrative agency investigations | |
| | Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? | yes |
| 115.71 (c) | Criminal and administrative agency investigations | |
| | Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? | yes |
| | Do investigators interview alleged victims, suspected perpetrators, and witnesses? | yes |
| | Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? | yes |
| 115.71 (d) | Criminal and administrative agency investigations | |
| | When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? | yes |

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| 115.71 (e) | Criminal and administrative agency investigations | |
| | Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff? | yes |
| | Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? | yes |
| 115.71 (f) | Criminal and administrative agency investigations | |
| | Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? | yes |
| | Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? | yes |
| 115.71 (g) | Criminal and administrative agency investigations | |
| | Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? | yes |
| 115.71 (h) | Criminal and administrative agency investigations | |
| | Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? | yes |
| 115.71 (i) | Criminal and administrative agency investigations | |
| | Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? | yes |
| 115.71 (j) | Criminal and administrative agency investigations | |
| | Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? | yes |
| 115.71 (l) | Criminal and administrative agency investigations | |
| | When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) | na |

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| 115.72 (a) | Evidentiary standard for administrative investigations | |
| | Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? | yes |
| 115.73 (a) | Reporting to inmates | |
| | Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? | yes |
| 115.73 (b) | Reporting to inmates | |
| | If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) | na |
| 115.73 (c) | Reporting to inmates | |
| | Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit? | yes |
| | Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility? | yes |
| | Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? | yes |
| | Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? | yes |

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| 115.73 (d) | Reporting to inmates | |
| | Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? | yes |
| | Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? | yes |
| 115.73 (e) | Reporting to inmates | |
| | Does the agency document all such notifications or attempted notifications? | yes |
| 115.76 (a) | Disciplinary sanctions for staff | |
| | Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies? | yes |
| 115.76 (b) | Disciplinary sanctions for staff | |
| | Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? | yes |
| 115.76 (c) | Disciplinary sanctions for staff | |
| | Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? | yes |
| 115.76 (d) | Disciplinary sanctions for staff | |
| | Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies(unless the activity was clearly not criminal)? | yes |
| | Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? | yes |

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| 115.77 (a) | Corrective action for contractors and volunteers | |
| | Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? | yes |
| | Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? | yes |
| | Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? | yes |
| 115.77 (b) | Corrective action for contractors and volunteers | |
| | In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? | yes |
| 115.78 (a) | Disciplinary sanctions for inmates | |
| | Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? | yes |
| 115.78 (b) | Disciplinary sanctions for inmates | |
| | Are 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? | yes |
| 115.78 (c) | Disciplinary sanctions for inmates | |
| | When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior? | yes |
| 115.78 (d) | Disciplinary sanctions for inmates | |
| | If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? | yes |
| 115.78 (e) | Disciplinary sanctions for inmates | |
| | Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? | yes |

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| 115.78 (f) | Disciplinary sanctions for inmates | |
| | For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? | yes |
| 115.78 (g) | Disciplinary sanctions for inmates | |
| | If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) | yes |
| 115.81 (a) | Medical and mental health screenings; history of sexual abuse | |
| | If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison). | yes |
| 115.81 (b) | Medical and mental health screenings; history of sexual abuse | |
| | If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) | yes |
| 115.81 (c) | Medical and mental health screenings; history of sexual abuse | |
| | If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail). | yes |
| 115.81 (d) | Medical and mental health screenings; history of sexual abuse | |
| | Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? | yes |

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| 115.81 (e) | Medical and mental health screenings; history of sexual abuse | |
| | Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? | yes |
| 115.82 (a) | Access to emergency medical and mental health services | |
| | Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment? | yes |
| 115.82 (b) | Access to emergency medical and mental health services | |
| | If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62? | yes |
| | Do security staff first responders immediately notify the appropriate medical and mental health practitioners? | yes |
| 115.82 (c) | Access to emergency medical and mental health services | |
| | Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate? | yes |
| 115.82 (d) | Access to emergency medical and mental health services | |
| | Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? | yes |
| 115.83 (a) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? | yes |

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| 115.83 (b) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? | yes |
| 115.83 (c) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | Does the facility provide such victims with medical and mental health services consistent with the community level of care? | yes |
| 115.83 (d) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) | na |
| 115.83 (e) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) | na |
| 115.83 (f) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? | yes |
| 115.83 (g) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? | yes |

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| 115.83 (h) | Ongoing medical and mental health care for sexual abuse victims and abusers | |
| | If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.) | yes |
| 115.86 (a) | Sexual abuse incident reviews | |
| | Does the facility conduct a sexual abuse incident review 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? | yes |
| 115.86 (b) | Sexual abuse incident reviews | |
| | Does such review ordinarily occur within 30 days of the conclusion of the investigation? | yes |
| 115.86 (c) | Sexual abuse incident reviews | |
| | Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? | yes |

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| 115.86 (d) | Sexual abuse incident reviews | |
| | Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse? | yes |
| | Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? | yes |
| | Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? | yes |
| | Does the review team: Assess the adequacy of staffing levels in that area during different shifts? | yes |
| | Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? | yes |
| | Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? | yes |
| 115.86 (e) | Sexual abuse incident reviews | |
| | Does the facility implement the recommendations for improvement, or document its reasons for not doing so? | yes |
| 115.87 (a) | Data collection | |
| | Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? | yes |
| 115.87 (b) | Data collection | |
| | Does the agency aggregate the incident-based sexual abuse data at least annually? | yes |
| 115.87 (c) | Data collection | |
| | Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? | yes |

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| 115.87 (d) | Data collection | |
| | Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? | yes |
| 115.87 (e) | Data collection | |
| | Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) | yes |
| 115.87 (f) | Data collection | |
| | Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) | yes |
| 115.88 (a) | Data review for corrective action | |
| | Does the agency review 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, practices, and training, including by: Identifying problem areas? | yes |
| | Does the agency review 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, practices, and training, including by: Taking corrective action on an ongoing basis? | yes |
| | Does the agency review 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, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? | yes |
| 115.88 (b) | Data review for corrective action | |
| | Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse? | yes |
| 115.88 (c) | Data review for corrective action | |
| | Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? | yes |

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| 115.88 (d) | Data review for corrective action | |
| | Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? | yes |
| 115.89 (a) | Data storage, publication, and destruction | |
| | Does the agency ensure that data collected pursuant to § 115.87 are securely retained? | yes |
| 115.89 (b) | Data storage, publication, and destruction | |
| | Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? | yes |
| 115.89 (c) | Data storage, publication, and destruction | |
| | Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? | yes |
| 115.89 (d) | Data storage, publication, and destruction | |
| | Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? | yes |
| 115.401 (a) | Frequency and scope of audits | |
| | During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.) | yes |

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| 115.401 (b) | Frequency and scope of audits | |
| | Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.) | yes |
| | If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.) | yes |
| | If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.) | yes |
| 115.401 (h) | Frequency and scope of audits | |
| | Did the auditor have access to, and the ability to observe, all areas of the audited facility? | yes |
| 115.401 (i) | Frequency and scope of audits | |
| | Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? | yes |
| 115.401 (m) | Frequency and scope of audits | |
| | Was the auditor permitted to conduct private interviews with inmates, residents, and detainees? | yes |
| 115.401 (n) | Frequency and scope of audits | |
| | Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? | yes |
| 115.403 (f) | Audit contents and findings | |
| | The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.) | yes |