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**PREA**  
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**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

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

**Lockups**  
August 11, 2014

# GUIDELINES FOR AUDITORS: RANDOM STAFF INTERVIEWS

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## **Selecting staff for interview:**

During the onsite visit, auditors shall attempt to interview a minimum of 10 officers who have contact with adult detainees, depending on the size of the facility and the number of officers available. On the first day of the site visit, the auditor shall request a list of staff sorted by assignment and by shift. The auditor shall select at random, line officers from different assignments or work locations and request that these persons be brought for an interview on a subsequent day to be determined. The goal is to conduct interviews with representative staff who interact with detainees in cells.

Interviews shall be conducted in a setting where staff will feel free to talk without being overheard by other staff.

## **Informing staff of the audit's purpose and the reason for their requested participation:**

Prior to interviewing each staff person, the auditor should communicate the following to him or her:

“Thank you for meeting with me. My name is [NAME]. I have been hired by the [NAME OF AGENCY] to conduct an assessment this facility’s compliance with standards that have been established by the federal government to prevent sexual abuse and sexual harassment. Although the [NAME OF AGENCY] hired me, I am an independent auditor and not under the authority of the [NAME OF AGENCY]. I have been certified by the U.S. Department of Justice to conduct this assessment. I selected your name at random from a list of all staff and would like to ask you some questions about the facility’s policies and practices. I am interviewing at least [NUMBER] other staff at this facility. Your participation is voluntary, and you may choose not to answer any or all of the questions.

“As a matter of professional conduct, I will do my very best to protect the confidentiality of the information that you provide to me. Under no circumstances can I be required to turn over my interview notes to the facility if they ask me for them. As I conduct my interviews, I will not be discussing what you tell me with any facility staff. However, you should be aware that if the U.S. Department of Justice wants to examine any of the information that I collect during this audit. I must provide it to them if they ask.

“You should also know that for the final report that I will give to the facility at the end of this audit, I am prohibited from including any personally identifying information of yours in it. The only way that my report could include personally identifying information is if I make a mistake and include it, and I can assure you that I will not make such a mistake. If my final report ends up including personally identifying information by mistake, I have to provide it to the agency if they ask.

“If you experience any negative consequences for talking with me, such as retaliation or threatened retaliation, please do not hesitate to contact me. I can be reached at **[THIS SHOULD BE THE SAME CONTACT INFORMATION PROVIDED IN ADVANCE OF THE AUDIT VISIT THAT SOLICITS INMATE COMMENTS]**.

“Do I have your permission to ask you some questions?”

**IF YES, GO TO QUESTION 1**

1. Have you received training on: *(If YES, probe on when training/refresher was last received.) (115.131 and 115.121)*
  - a. The agency's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment;
  - b. The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in lockup settings;
  - c. The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment;
  - d. How to detect and respond to signs of threatened and actual abuse *(Note. 115.121(b) also requires that employees receive training regarding how to detect and respond to victims of sexual abuse);*
  - e. How to communicate effectively and professionally with all detainees; and
  - f. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
  
2. *If the agency has a policy to train staff to conduct cross-gender pat-down searches and searches of transgender and intersex detainees in a professional and respectful manner, consistent with security needs, ask staff: (115.115)*
  - a. Have you received training on how to conduct cross-gender pat-down searches and searches of transgender and intersex detainees in a professional and respectful manner, consistent with security needs? *(115.115)*
  - b. When did you receive this training? *(115.115)*
  
3. *If the facility prohibits staff from searching or physically examining a transgender or intersex detainee for the sole purpose of determining the detainee's genital status, ask staff: Are you aware of the policy prohibiting staff from searching or physically examining a transgender or intersex detainee for the purpose of determining that detainee's genital status? (115.115)*
  
4. 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 an agency lockup; retaliation against detainees or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation? *(115.161)*
  - a. What is the agency/facility policy or procedure for reporting any information related to a detainee sexual abuse? *(115.161)*
  
5. How can staff privately report sexual abuse and sexual harassment of detainees? *(115.151)*
  
6. How can detainees privately report sexual abuse and sexual harassment, retaliation by other detainees or staff for reporting sexual abuse and sexual harassment, or staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment? *(115.151)*
  
7. When a detainee alleges sexual abuse or sexual harassment, can he or she do so verbally, in writing, anonymously, and from third parties? *(115.151)*
  - a. Do you document verbal reports? *(115.151)*
    - i. If YES, how long, ordinarily, after a detainee makes a verbal report do you document it? *(115.151)*
  
8. Does the agency ever allow the use of detainee interpreters, detainee readers, or other types of detainee assistants to assist disabled detainees or detainees with limited English proficiency when making an allegation of sexual abuse or sexual harassment? *(115.116)*

- a. If YES, are the circumstances under which the above would be allowed limited at all? (115.116)
  - b. To the best of your knowledge, have detainee interpreters, detainee readers, or other types of detainee assistants been used in relation to allegations of sexual abuse or sexual harassment? (115.116)
9. Do you know and understand the agency's protocol for obtaining usable physical evidence if a detainee alleges sexual abuse? (115.121)
10. If you are the first person to be alerted that a detainee has allegedly been the victim of sexual abuse, what is your responsibility in that situation? (115.161 and 115.164) (Probe: To whom would you report the alleged sexual abuse? Is there anyone with whom you would not share the information?)
11. Do you know who is responsible for conducting sexual abuse investigations? (Note to auditor: A negative response to this question is not conclusive of compliance.) (115.221)
12. If you learn a detainee is at risk of imminent sexual abuse, what actions do you take to protect the detainee? (115.162)
  - a. How quickly do you take such actions (115.162)
13. Are detainees able to dress, shower, and toilet without being viewed by staff of the opposite gender? (If NO, probe whether viewing is limited to exigent circumstances or incidental to routine cell checks.) (115.115)
  - a. Do you or other staff announce your presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing? (115.115)
14. Are juvenile detainees or youthful detainees held separately from adult detainees? (115.114)

*If the lockup is not used to house detainees overnight, ask #15 and #16:*

15. What factors do you consider before placing any detainees together in a holding cell? (Probe: high risk of being sexually abused? Based on what information?) (115.141)
16. If you determine a detainee is at high risk of being sexually abused, what do you do with that information? (Probe: Take necessary steps to mitigate any such danger? What specific steps?) (115.141)

*If the lockup is used to house detainees overnight, ask #17 and 18:*

17. Are detainees screened to assess their risk of being sexual abuse by other detainees or sexually abusive toward other detainees? If YES, please explain. (115.141)
18. Are detainees asked whether they feel vulnerable before placing them in a cell? (Probe: What is done with that information?) (115.141)