

NATIONAL
PREA
RESOURCE
CENTER



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

**PREA COMPLIANCE AUDIT INSTRUMENT
CHECKLIST OF POLICIES/PROCEDURES AND OTHER DOCUMENTS**

Lockups
July 18, 2014

Policies/Procedures/Other Documents

		Pre-Audit	During Audit
BACKGROUND INFORMATION		<ul style="list-style-type: none"> <input type="checkbox"/> Agency mission. <input type="checkbox"/> Any relevant reports related to internal or external audits of and/or accreditations for the facility. <input type="checkbox"/> Daily population report for the 1ST, 10TH, and 20th day of the month for the past 12 months if available. <input type="checkbox"/> Schematic (layout) of facility. 	<ul style="list-style-type: none"> <input type="checkbox"/> List of staff (who has contact with detainees) in the facility (by shift, assignment/role) for selection of staff for interviews. <input type="checkbox"/> List of detainees by housing area for selection of detainees for interviews.

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
PREVENTION PLANNING	§115.111 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	<ul style="list-style-type: none"> <input type="checkbox"/> Agency policy mandating zero tolerance of all forms of sexual abuse and sexual harassment in facilities operated directly or under contract. <input type="checkbox"/> Implementation plan: Facility policy outlining how the facility will implement the agency's zero-tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment. <input type="checkbox"/> Agency organizational chart. 	NA
	§115.112 - Contracting with other entities for the confinement of detainees	<ul style="list-style-type: none"> <input type="checkbox"/> Contracts for the confinement of detainees entered into (or renewed) after August 20, 2012, or since the last PREA audit. 	NA
	§115.113 – Supervision and Monitoring	<ul style="list-style-type: none"> <input type="checkbox"/> Staffing plan. <input type="checkbox"/> Documentation of deviations from the staffing plan and written justifications for all such deviations. <input type="checkbox"/> Documentation of annual reviews (after first year audit). <input type="checkbox"/> Documentation of staffing plan development process. <input type="checkbox"/> Policy or other documentation regarding heightened protection for vulnerable detainees (as identified pursuant to the screening required by 115.141). 	<ul style="list-style-type: none"> <input type="checkbox"/> Additional annual reviews. <input type="checkbox"/> Additional documentation of supervision procedures.
	§115.114 – Juvenile and Youthful Detainees	<ul style="list-style-type: none"> <input type="checkbox"/> Policy governing the housing of juvenile and youthful detainees, specifically that they be held separately from adult detainees. <input type="checkbox"/> Daily population reports for the last 12 months. 	<ul style="list-style-type: none"> <input type="checkbox"/> Daily population report on the day of the audit. <input type="checkbox"/> Facility cell assignments to determine if juvenile and youthful detainees are held separately.
	§115.115 – Limits to Cross-Gender Viewing and Searches	<ul style="list-style-type: none"> <input type="checkbox"/> Policies and procedures governing strip search and visual body cavity searches. <input type="checkbox"/> Policy governing cross-gender viewing. <input type="checkbox"/> Policy prohibiting staff from searching or physically examining a transgender or intersex detainee for the sole purpose of determining the detainee's genital status. <input type="checkbox"/> Logs of exigent circumstances, if any, that might require deviance from §115.115(d) (i.e., cross-gender viewing). 	<ul style="list-style-type: none"> <input type="checkbox"/> Logs of cross-gender strip searches and cross-gender visual body cavity searches in the last 12 months. <input type="checkbox"/> Logs of cross-gender strip and/or cross-gender body cavity searches conducted in the last 12 months that were not conducted by medical staff or were not conducted during exigent circumstances, documented in the log. <input type="checkbox"/> Documentation of instances where medical practitioner conducted the search. <input type="checkbox"/> Documentation (logs) of cross-gender strip searches and cross-gender visual body cavity searches of all detainees.

	<ul style="list-style-type: none"> <input type="checkbox"/> Training curricula regarding cross-gender pat-down searches and searches of transgender and intersex detainees. <input type="checkbox"/> Staff training logs. 	
§115.116 – Detainees with Disabilities and Detainees who are Limited English Proficient	<ul style="list-style-type: none"> <input type="checkbox"/> Policies/procedures regarding equal opportunity of disabled detainees to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. <input type="checkbox"/> Policies/procedures regarding equal opportunity of detainees with limited English proficiency to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. <input type="checkbox"/> Policy prohibiting the use of detainee interpreters, detainee readers, or other types of detainee assistants except in limited circumstances. <input type="checkbox"/> Contracts with interpreters or other professionals hired to ensure effective communication with detainees. <input type="checkbox"/> Written materials used for effective communication about PREA with detainees with disabilities or limited reading skills. <input type="checkbox"/> Documentation of staff training on PREA compliant practices for detainees with disabilities. 	<ul style="list-style-type: none"> <input type="checkbox"/> Documentation of circumstances where detainee interpreters, readers, and other detainee assistants were used. <input type="checkbox"/> Documentation demonstrating that taking alternative action would have resulted in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens.
§115.117 – Hiring and Promotion Decisions	<ul style="list-style-type: none"> <input type="checkbox"/> Policy on the promotion and hiring of employees and contractors, including policies governing criminal background checks. <input type="checkbox"/> Policy governing criminal background records checks of current employees and contractors who may have contact with detainees. 	<ul style="list-style-type: none"> <input type="checkbox"/> Files of persons hired or promoted in the last 12 months to determine whether proper criminal record background checks have been conducted and questions regarding past conduct were asked and answered. <input type="checkbox"/> Files of personnel hired in the past 12 months to determine that the agency has completed checks consistent with 115.117(c). <input type="checkbox"/> Records of background checks of contractors who might have contact with detainees. <input type="checkbox"/> Documentation of background records checks of current employees at five-year intervals when applicable.
§115.118 – Upgrades to Facilities and Technology	NA	<ul style="list-style-type: none"> <input type="checkbox"/> Documentation of the facility’s design, renovation, modification or expansion.

			<input type="checkbox"/> Minutes form meetings referencing the installation or update of monitoring technology.
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Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
RESPONSIVE PLANNING	§115.121 – Evidence Protocol and Forensic Medical Examinations	<ul style="list-style-type: none"> <input type="checkbox"/> Uniform evidence protocol governing obtaining usable physical evidence in allegations of sexual abuse. <input type="checkbox"/> If alternative source (from DOJ’s “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents) was used to develop protocol, provide alternative source. <input type="checkbox"/> Documentation that forensic medical exams are offered for free. <input type="checkbox"/> Documentation of efforts to provide SAFEs or SANEs. <input type="checkbox"/> Documentation that detainees transported for a forensic examination to an outside hospital that offers victim advocacy services are permitted to use such services. 	<ul style="list-style-type: none"> <input type="checkbox"/> Documentation to corroborate that all victims of sexual abuse have access to forensic medical examinations. <input type="checkbox"/> Any available documentation that delineates the responsibilities of outside medical and mental health practitioners. <input type="checkbox"/> Documentation of the request regarding the requirements of 115.121(a) through (e) with outside investigating agency.
	§115.122 – Policies to Ensure Referrals of Allegations for Investigations	<ul style="list-style-type: none"> <input type="checkbox"/> Policies and/or procedures governing investigations of allegations of sexual abuse and sexual harassment. <input type="checkbox"/> Investigative policy. 	<ul style="list-style-type: none"> <input type="checkbox"/> Documentation of reports of sexual abuse and harassment and documentation of investigations, including full investigative report(s) with findings. <input type="checkbox"/> Documentation of referrals of allegations of sexual abuse and sexual harassment. <input type="checkbox"/> Publication (website or paper) that describes the investigative responsibilities of both the agency and the separate entity that conducts criminal investigations on its behalf, if applicable.

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
TRAINING & EDUCATION	§115.131 – Employee Training	<ul style="list-style-type: none"> <input type="checkbox"/> Training policy and/or procedures. <input type="checkbox"/> Staff training curriculum. 	<ul style="list-style-type: none"> <input type="checkbox"/> Sample of training records for compliance with standard. <input type="checkbox"/> Documentation of employee signatures or electronic verification signifying comprehension of the training.
	§115.132– Detainee, Contractor, and Inmate Worker Notification of the Agency’s Zero-tolerance Policy	<ul style="list-style-type: none"> <input type="checkbox"/> Training curriculum for volunteers and contractors who have contact with detainees. <input type="checkbox"/> Agency zero-tolerance policy and procedures. <input type="checkbox"/> Sample documentation of information provided (e.g. handbook or information sheet). <input type="checkbox"/> Agency policy governing PREA education of detainees. 	<ul style="list-style-type: none"> <input type="checkbox"/> Sample of training records for volunteers and contractors who have contact with detainees. <input type="checkbox"/> Relevant documentation (e.g., signed acknowledgement or understanding by volunteers/contractors). <input type="checkbox"/> Intake records of detainees entering facility in past 12 months (spot check). <input type="checkbox"/> Log or other recordkeeping corroborating that those detainees received information required by the standard at intake (e.g., detainee signatures). <input type="checkbox"/> Education and informational materials (posters, detainee handbook, etc.) in compliance with the standard.
	§115.134 – Specialized Training: Investigations	<ul style="list-style-type: none"> <input type="checkbox"/> Agency training policy for investigative staff. <input type="checkbox"/> Investigator training curriculum. <input type="checkbox"/> Documentation that agency investigators have completed required training. 	<ul style="list-style-type: none"> <input type="checkbox"/> Training records/logs of investigative staff.

Standard		Policies/Procedures/Other Documents	
	Pre-Audit	During Audit	
SCREENING FOR RISK OF SEXUAL VICTIMIZATION	§115.141 – Screening for Risk of Victimization and Abusiveness	<input type="checkbox"/> Agency policy governing screening of detainees. <input type="checkbox"/> Screening instrument used to determine risk of victimization or abusiveness (if lockup holds detainees overnight).	NA

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
REPORTING	§115.151 – Detainee Reporting	<ul style="list-style-type: none"> <input type="checkbox"/> Detainee reporting policy(ies), procedures, documents, such as: <input type="checkbox"/> Policies, procedures, documents to identify different established procedures allowing for multiple internal ways for detainees to report per the standard. <input type="checkbox"/> Policy providing at least one way for detainees to report abuse or harassment to a public or private entity or office that is not part of the agency. <input type="checkbox"/> Policy or procedures for staff to privately report sexual abuse and sexual harassment of detainees. <input type="checkbox"/> Policy mandating that staff accept reports of sexual assault and sexual harassment made verbally, in writing, anonymously and from third parties. <input type="checkbox"/> Other relevant documentation (e.g. detainee handbooks) on detainee reporting. <input type="checkbox"/> Documentation of agreement with outside public or private entity responsible for taking reports. <input type="checkbox"/> Documentation of verbal reports of sexual assault and sexual harassment. <input type="checkbox"/> Policy and documentation (e.g., staff handbooks) outlining procedures for staff to privately report sexual abuse and sexual harassment of detainees. 	NA
	§115.154 – Third-Party Reporting	<ul style="list-style-type: none"> <input type="checkbox"/> Publicly distributed information on how to report detainee sexual abuse or sexual harassment on behalf of detainees. 	NA

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
OFFICIAL RESPONSE FOLLOWING AN DETAINEE REPORT	§115.161 – Staff and Agency Reporting Duties	<ul style="list-style-type: none"> □ Relevant policy(ies) governing: (1) the reporting by staff regarding incidents of sexual abuse or sexual harassment and (2) the reporting by the facility regarding all allegations of sexual abuse and sexual harassment to the facility’s designated investigators. 	<ul style="list-style-type: none"> □ Documentation of any reports to the designated State or local services agency under applicable mandatory reporting laws when the alleged victim was under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute. □ Sample of reports to investigators.
	§115.162 – Agency Protection Duties	<ul style="list-style-type: none"> □ Relevant policy(ies) governing the agency’s protection duties when detainees are subject to a substantial risk of imminent sexual abuse. □ Relevant documentation related to the determination of detainees’ substantial risk of imminent sexual abuse and agency response. 	NA
	§115.163 – Reporting to Other Confinement Facilities	<ul style="list-style-type: none"> □ Agency policy regarding reporting of allegations of sexual abuse of detainees while confined at another facility. □ Agency policy requiring that allegations of sexual abuse of detainees received from other agencies or facilities are investigated in accordance with PREA standards. □ Documentation of notifications (to facility where abuse occurred and to the appropriate investigative agency) of abuse while confined at another facility within 72 hours of receiving the allegation. 	<ul style="list-style-type: none"> □ Documentation of allegations that a detainee was abused while confined at another facility. □ Additional documentation of notifications of abuse while confined at another facility to verify they occurred within 72 hours of receiving allegation. □ Documentation of allegations from other facilities and documentation of response.
	§115.164 – Staff First Responder Duties	<ul style="list-style-type: none"> □ Agency policy governing staff first responder duties. 	<ul style="list-style-type: none"> □ Documentation of response to allegations.
	§115.165 – Coordinated Response	<ul style="list-style-type: none"> □ Facility’s 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. 	<ul style="list-style-type: none"> □ If the agency is not permitted by law to inform a receiving facility per the standard, copy of the law. □ Log or other documentation of victim transfers from the lockup to a jail, prison, or medical facility as a result of an allegation of sexual abuse.
	§115.166 – Preservation of Ability to Protect Detainees from Contact	<ul style="list-style-type: none"> □ All collective bargaining agreements or other agreements entered into or renewed since August 20, 2012, or since the last PREA audit, whichever is later. 	NA

	with Abusers		
	§115.167 – Agency Protection Against Retaliation	<ul style="list-style-type: none"> □ Agency policy protecting all detainees and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other detainees or staff, including policies on the monitoring of detainees/staff following a report and agency response to suspected retaliation. 	<ul style="list-style-type: none"> □ Documentation of any protective measures taken for detainees or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. □ Documentation of any protective measures taken for any other individual who cooperates with an investigation and expresses a fear of retaliation. □ Documentation of any monitoring efforts for detainees or staff. □ Documentation of reports of retaliation and agency response.

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
INVESTIGATIONS	§115.171 – Criminal and Administrative Agency Investigations	<ul style="list-style-type: none"> <input type="checkbox"/> Agency/facility policies related to the handling of criminal and administrative agency investigations in cases where sexual abuse is alleged. <input type="checkbox"/> Training records for investigators (from 115.134(c)-1). 	<ul style="list-style-type: none"> <input type="checkbox"/> Investigative reports, record retention schedule, and case records detailing allegations of sexual abuse. <input type="checkbox"/> Sample of investigative records/reports for allegations of sexual abuse or sexual harassment. <input type="checkbox"/> Sample of administrative investigation reports. <input type="checkbox"/> Sample of criminal investigation reports. <input type="checkbox"/> Sample of cases involving substantiated allegations to ensure that they were referred for prosecution. <input type="checkbox"/> Sample of retained investigation reports including older reports, if applicable.
	§115.172 – Evidentiary Standard for Administrative Investigations	<ul style="list-style-type: none"> <input type="checkbox"/> Any policy(ies) imposing a standard of preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. 	<ul style="list-style-type: none"> <input type="checkbox"/> Documentation of administrative findings for proper standard of proof.

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
DISCIPLINE	§115.176 – Disciplinary Sanctions for Staff	<ul style="list-style-type: none"> <input type="checkbox"/> Staff disciplinary policy(ies) regarding violations of agency sexual abuse or sexual harassment policies. <input type="checkbox"/> Sample records of terminations, resignations, or other sanctions against staff for violating agency sexual abuse or sexual harassment policies from the past twelve months. 	<ul style="list-style-type: none"> <input type="checkbox"/> Additional sample of records of terminations, resignations, or other sanctions against staff for violating agency sexual abuse or sexual harassment policies from the past twelve months. <input type="checkbox"/> Records of disciplinary sanctions taken against staff for violations of the agency sexual abuse or sexual harassment policies from the past twelve months. <input type="checkbox"/> Reports to law enforcement for violations of agency sexual abuse or sexual harassment policies.
	§115.177 – Corrective Action for Contractors and Volunteers	<ul style="list-style-type: none"> <input type="checkbox"/> Agency policy requiring that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. <input type="checkbox"/> Reports of sexual abuse of detainees by contractors or volunteers <input type="checkbox"/> Documentation of remedial measures taken to prohibit further contact with detainees in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. 	<ul style="list-style-type: none"> <input type="checkbox"/> Documentation of referrals to law enforcement and/or relevant licensing bodies. <input type="checkbox"/> Investigative reports if relevant.
	§115.178 – Referrals for Prosecution for Detainee-on-Detainee Sexual Abuse	<ul style="list-style-type: none"> <input type="checkbox"/> Policy which states that when there is probable cause to believe that a detainee sexually abused another detainee, the agency will refer the matter to the appropriate prosecuting authority. 	

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
MEDICAL AND MENTAL CARE	§115.182 – Access to emergency medical services	<ul style="list-style-type: none"> <input type="checkbox"/> Policy(ies) regarding access to treatment services by detainee victims of sexual abuse. <input type="checkbox"/> Sample of secondary materials (e.g., form, log) documenting access to required services per the standard. 	<ul style="list-style-type: none"> <input type="checkbox"/> Additional medical/mental health secondary forms/logs describing access to services.

Standard		Policies/Procedures/Other Documents	
		Pre-Audit	During Audit
DATA COLLECTION AND REVIEW	§115.186 – Sexual Abuse Incident Reviews	<ul style="list-style-type: none"> <input type="checkbox"/> Policy(ies) on conducting sexual abuse incident reviews. <input type="checkbox"/> Documentation of sexual abuse incident reviews. <input type="checkbox"/> Sample documentation of completed criminal or administrative investigations of alleged sexual abuse incidents, if incident review documents are contained therein. <input type="checkbox"/> Reports of findings from sexual assault incident reviews. <input type="checkbox"/> Documentation supporting implementation of recommendations OR documentation of reasons for not implementing recommendations. 	<ul style="list-style-type: none"> <input type="checkbox"/> Additional documentation of completed criminal or administrative investigations of sexual abuse. <input type="checkbox"/> Documentation of review team minutes or reports. <input type="checkbox"/> Additional reports of findings from sexual abuse incident reviews.
	§115.187 – Data Collection	<ul style="list-style-type: none"> <input type="checkbox"/> Policy(ies) for collecting data on sexual abuse allegations at facilities. <input type="checkbox"/> Data collection instrument used for collecting data on sexual abuse allegations at facilities. <input type="checkbox"/> Set of definitions used for collecting data on sexual abuse allegations at facilities. 	<ul style="list-style-type: none"> <input type="checkbox"/> Sample of aggregated data. <input type="checkbox"/> Sample of incident-based and all aggregate data from every private facility with which the agency contracts for the confinement of its detainees (if applicable).
	§115.188 – Data Review for Corrective Action	<ul style="list-style-type: none"> <input type="checkbox"/> Documentation of corrective action plans. <input type="checkbox"/> Annual report of findings from data reviews/corrective actions. <input type="checkbox"/> Link to website where annual report is available. 	<ul style="list-style-type: none"> <input type="checkbox"/> Additional documentation of corrective action plans.
	§115.189 – Data Storage, Publication, and Destruction	<ul style="list-style-type: none"> <input type="checkbox"/> Policy requiring that incident-based and aggregate data are securely retained. <input type="checkbox"/> Policy requiring that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. <input type="checkbox"/> Federal, State or local law requiring the agency maintain sexual abuse data collected for a time period that is different than required by the standard (which requires it be maintained for at least 10 years). 	<ul style="list-style-type: none"> <input type="checkbox"/> Website or other means for publicly available aggregated sexual abuse data. <input type="checkbox"/> Sample of publicly available sexual abuse data. <input type="checkbox"/> Historical data since August 20, 2012.