

NATIONAL
PREA
RESOURCE
CENTER



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

**PREA COMPLIANCE AUDIT INSTRUMENT – INTERVIEW GUIDE FOR SUPERINTENDENT
(or DESIGNEE)**

Juvenile Facilities
April 18, 2014

1. Does your facility regularly develop a staffing plan? *(115.313)*
 - a. Are adequate staffing levels to protect residents against sexual abuse considered in this plan, and if so, how? *(115.313)*
 - b. Is video monitoring part of this plan? *(115.313)*
 - c. Is the staffing plan documented, and if so, where? *(115.313)*

2. When assessing adequate staffing levels and the need for video monitoring, please explain if and how the facility staffing plan considers: *(115.313)*
 - a. Generally accepted detention and correctional practices;
 - b. Any judicial findings of inadequacy;
 - c. Any findings of inadequacy from federal investigative agencies;
 - d. Any findings of inadequacy from internal or external oversight bodies;
 - e. All components of the facility's physical plant (including "blind spots" or areas where staff or residents may be isolated);
 - f. The composition of the resident population;
 - g. The number and placement of supervisory staff;
 - h. Institution programs occurring on a particular shift;
 - i. Any applicable state or local laws, regulations, or standards;
 - j. The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - k. Any other relevant factors.

3. How do you check for compliance with the staffing plan? *(115.313)*

4. Under what circumstances would/has the facility been unable to meet the requirements of the staffing plan? *(Probe: Limited and exigent circumstances; ask them to describe those circumstances.) (115.313)*
 - a. Does the facility document *all* instances of non-compliance with the staffing plan?
 - b. If YES, does this documentation include explanations for non-compliance?

5. Are you obligated by law, regulation, or judicial consent decree to maintain staffing ratios? *(115.313)*
 - a. *If YES:* What are those ratios?
 - b. *If same ratios per the standard (1:8 during waking hours and 1:16 during sleeping hours):* How do you ensure the facility maintains appropriate staffing ratios
 - c. *If NO:* Probe about their plans to implement these ratios in the future.

6. *If any substantial expansions or modifications to the facility since August 20, 2012 or the last PREA audit, whichever is later, have been noted within the materials collected in advance, ask:* How has the facility considered the effect of the expansion or modification upon the facility's ability to protect residents from sexual abuse? *(115.318)*

7. When installing or updating monitoring technology, such as a video monitoring system or electronic surveillance, how has the facility considered using such technology to enhance residents' protection from sexual abuse? *(115.318)*

8. When you learn that a resident is subject to a substantial risk of imminent sexual abuse, what immediate protective action does the facility take? *(115.362)*

9. What is the expectation for how quickly staff should respond to protect residents at substantial risk of imminent sexual abuse? *(115.362)*

10. Please describe any recent (within the last 12 months) circumstances in which isolation was used to protect a resident who was alleged to have suffered sexual abuse. Why was segregated housing used? (115.368)
11. Are residents *only* isolated from others as a last resort when less restrictive measures are inadequate to keep them and other residents safe, and then *only* until an alternative means of keeping all residents safe can be arranged. (115.342 and 115.368)
12. How long, ordinarily, are residents placed in isolation? (*note: the standards do not limit the amount of time a resident can be placed in isolation. The standard permits the use of isolation "until an alternative means of keeping all residents safe can be arranged."*) (115.342 and 115.368)
13. When the facility receives an allegation of sexual abuse, to whom do you report the allegation? (*Probe if it is the appropriate agency office or the alleged victim's parents or legal guardians, unless there is official documentation showing the parents or legal guardians should not be notified.*) (115.361)
 - a. If the victim is under the guardianship of the child welfare system, do you report the allegation to the victim's caseworker instead of the parents or legal guardians? (115.361)
14. On average, how long after notification of an alleged sexual abuse does the facility report the allegation to the appropriate parties? (115.361)
15. If a juvenile court retains jurisdiction over the victim, do you also report the allegation to the juvenile's attorney or other legal representative of record? (115.361)
 - a. On average, how long after notification of an alleged sexual abuse does the facility report the allegation to the victim's attorney or other legal representation of record? (115.361)
16. How does the facility provide residents with reasonable and confidential access to their attorneys or other legal representation? (115.353)
17. How does the facility provide residents with reasonable access to parents or legal guardians? (115.353)
18. Are *all* allegations of sexual abuse and sexual harassment (including those from third-party and anonymous sources) reported directly to designated facility investigators? (115.361)
19. What happens when your facility receives an allegation from another facility or agency that an incident of sexual abuse or sexual harassment occurred in your facility? (115.363)
20. Are there examples of another facility or agency reporting such allegations? (115.363)
21. In response to an incident of sexual abuse, what is the facility's plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership? (115.365)
22. For allegations of sexual abuse or sexual harassment, can you describe the different measures you take to protect residents and staff from retaliation? (*Probes: Housing changes or transfers, removal of alleged abusers, emotional support services.*) (115.367)

23. What measures do you take when you suspect retaliation? (115.367)
24. In the case of any violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does your facility take remedial measures and prohibit further contact with residents? (115.377)
 - a. In such cases, can you describe examples of the remedial measures the facility could enforce? (115.377)
25. What disciplinary sanctions are residents subject to following an administrative or criminal finding the resident engaged in resident-on-resident sexual abuse? (115.378)
 - a. Are the sanctions proportionate to the nature and circumstances of the abuses committed, the residents' disciplinary histories, and the sanctions imposed for similar offenses by other residents with similar histories? (115.378)
 - b. Is mental disability or mental illness considered when determining sanctions? (115.378)
 - c. Do you use isolation as a disciplinary sanction? (115.378)
26. *If an outside agency investigates allegations of sexual abuse, ask:* How does the facility remain informed of the progress of a sexual abuse investigation? (115.371)
27. Does your facility notify a resident who makes an allegation of sexual abuse, that the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation? (115.373)
28. Does your facility have a sexual abuse incident review team? (115.386)
 - a. If YES, does the team include upper-level management officials and allow for input from line supervisors, investigators, and medical or mental health practitioners? (115.386)
29. How does the team use the information from the sexual abuse incident review? (*Probe: To identify any policy, training, or other issue related to the incident that indicate a need to change policy or practice*) (115.386)
30. Does the review team: (115.386)
 - a. 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; and/or other group dynamics at the facility? (*Clarify that by "transgender," you mean people whose gender identity and/or gender expression does not match the sex and/or gender they were assigned at birth; by "intersex," you mean: an individual born with external genitalia, internal reproductive organs, chromosome patterns, and/or endocrine systems that do not seem to fit typical definitions of male or female; and by "gender non-conforming," you mean: individuals who express their gender in a manner that breaks societal norms for one's gender (e.g., someone who identifies as a girl/woman but wears clothing typically assigned to boys/men).*)
 - b. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?
 - c. Assess the adequacy of staffing levels in that area during different shifts?
 - d. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?