

# Prison Rape Elimination Act (PREA) Audit Report

## Adult Prisons & Jails

Interim       Final

Date of Report May 15, 2019

### Auditor Information

Name: Robert Lanier	Email: rob@diversifiedcorrectionalservices.com
Company Name: Diversified Correctional Services, LLC	
Mailing Address: PO Box 452	City, State, Zip: Blackshear, GA 31516
Telephone: 912-281-1525	Date of Facility Visit: April 2-3, 2019 Certified Auditor and Assistant

### Agency Information

Name of Agency	Governing Authority or Parent Agency (If Applicable)		
<b>Georgia Department of Corrections</b>			
Physical Address: 300 Patrol Road	City, State, Zip: Forsyth, GA 31029		
Mailing Address: PO BOX 1529	City, State, Zip: Forsyth, GA 31029		
Telephone: 229-928-4582	Is Agency accredited by any organization? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
The Agency Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for Profit	<input type="checkbox"/> Private not for Profit
<input type="checkbox"/> Municipal	<input type="checkbox"/> County	<input checked="" type="checkbox"/> State	<input type="checkbox"/> Federal
Agency mission: The Georgia Department of Corrections protects the public by operating secure and safe facilities while reducing recidivism through effective programming, education, and healthcare.			
Agency Website with PREA Information: dcor.state.ga.us			

### Agency Chief Executive Officer

Name: Timothy Ward	Title: Commissioner
Email: Timothy.Ward@gdc.ga.gov	Telephone: 478-992-2999

### Agency-Wide PREA Coordinator

Name: Grace Atchison	Title: Statewide PREA Coordinator
Email: grace.atchison@gdc.ga.gov	Telephone: 678-322-6066
PREA Coordinator Reports to:  Office of Professional Standards, Director of Compliance	Number of Compliance Managers who report to the PREA Coordinator 88

## Facility Information

Name of Facility: Sumter County Correctional Institute

Physical Address: 346 McMath Mill Road

Mailing Address (if different than above): 346 McMath Mill Road

Telephone Number: 229-928-4582

The Facility Is:	<input type="checkbox"/> Military	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Private not for profit
<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> County	<input type="checkbox"/> State	<input type="checkbox"/> Federal
Facility Type:	<input type="checkbox"/> Jail		<input checked="" type="checkbox"/> Prison

Ensure public safety and effectively house offenders while operating a safe and secure facility.

Facility Website with PREA Information: Sumter County Correctional Institution

## Warden/Superintendent

Name: Jimmie Colson Title: Warden

Email: JColson@sumtercountyga.us Telephone: 229-928-4582

## Facility PREA Compliance Manager

Name: Tracey Hobbs Title: Deputy Warden - PREA Compliance Manager

Email: THobbs@sumtercountyga.us Telephone: 229-928-4582

## Facility Health Service Administrator

Name: Alexias Major Title: Clinical Site Coordinator

Email: alexias.major@wellpath.us Telephone: 229-928-4648

## Facility Characteristics

Designated Facility Capacity: 350 Current Population of Facility: 349

Number of inmates admitted to facility during the past 12 months 344

<b>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:</b>		344
Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:		344
Number of inmates on date of audit who were admitted to facility prior to August 20, 2012:		0
Age Range of Population:	Youthful Inmates Under 18: N/A	Adults: 18 - 65
Are youthful inmates housed separately from the adult population?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Number of youthful inmates housed at this facility during the past 12 months:	N/A	
Average length of stay or time under supervision:	24 months	
Facility security level/inmate custody levels:	Minimum/Medium	
Number of staff currently employed by the facility who may have contact with inmates:	43	
Number of staff hired by the facility during the past 12 months who may have contact with inmates:	22	
Number of contracts in the past 12 months for services with contractors who may have contact with inmates:	9	

### Physical Plant

Number of Buildings: 3 Buildings	Number of Single Cell Housing Units: 1
Number of Multiple Occupancy Cell Housing Units:	0
Number of Open Bay/Dorm Housing Units:	9
Number of Segregation Cells (Administrative and Disciplinary):	14

Description of any video or electronic monitoring technology (including any relevant information about where cameras are placed, where the control room is, retention of video, etc.): The facility has 47 cameras providing ample coverage with a retention of 20 days. The control room is located between the Administration and areas routinely accessed by offenders.

### Medical

Type of Medical Facility:	24 hours Medical/Nursing
Forensic sexual assault medical exams are conducted at:	Lily Pad Sane Center Inc.

### Other

Number of volunteers and individual contractors, who may have contact with inmates, currently authorized to enter the facility:	5 volunteers/20 contractors
Number of investigators the agency currently employs to investigate allegations of sexual abuse:	7

## Audit Findings

## Audit Narrative

*The auditor's description of the audit methodology should include a detailed description of the following processes during the pre-onsite audit, onsite 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.*

### **Pre-Audit Activities**

**Notice of PREA Audit:** The Notice of PREA Audit for the Sumter County Correctional Institution in Americus, Georgia was forwarded to the Deputy Warden of Care and Treatment who serves as the facility's PREA Compliance Manager approximately six weeks prior to the on-site audit, for posting in the facility. Confirmation of the posting was provided by photos documenting posting in areas throughout the facility and accessible to staff, inmates, contractors, volunteers and visitors. The purpose of the posting of the 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. The auditor did not receive any correspondence as the result of the posting. During the site-review the auditor observed the Notices of PREA Audit posted in common areas, living units and other places enabling staff, inmates, contractors, volunteers and visitors to communicate with the auditor if they wanted to.

**Pre-Audit Questionnaire/ Flash Drive Review:** The Facility's PREA Compliance Manager forwarded a flash drive to the auditor 30 days prior to the on-site audit. The reviewed flash drive was organized and comprehensive and contained the Pre-Audit Questionnaire, policies and procedures, local operating procedures, memos, certificates of training, training rosters and other documentation specific to facility operations and PREA as implemented in that facility.

The information provided began with an introduction letter followed by policies and procedures as well as one or two samples of documentation to support practice for each of the PREA Standards. The organizational chart depicted the position of the PREA Compliance Manager who is a higher-level staff, a Deputy Warden, who has direct access to the Warden on a more than daily basis in this smaller facility. In his position, he has the authority and responsibility for implementing and maintaining the PREA Standards. It also appeared, on site, from observations of interactions, he and the Deputy Warden of Security work in tandem to maintain the PREA Standards. The flash drive enabled the auditor to get a clear and comprehensive view of the policies and procedures governing operations as well as enabling the auditor to understand the local procedures as well as the state operating procedures (policies) governing the facility.

Prior to the onsite portion of the audit, the Auditor and PREA Compliance Manager discussed a tentative agenda and logistics for the on-site audit. This facility is a medium/minimum security institution, housing male adult felon inmates who, for the most part, go out on details or work on details within the prison. County prisons, unlike the State Prisons are operated by the county governments and are primarily designed as what is often referred to as "work camps" and inmates assigned to these facilities are generally in good health and capable of understanding directions and being able to work. Therefore, these facilities rarely would receive a disabled inmate, either physically or mentally. It would also be rare that a limited English proficient inmate would be assigned to the facility and if they were not

capable of working outside or inside the facility because of those limitations, they would most likely be reassigned to a more appropriate facility.

The Georgia Department of Corrections and the Department's PREA Unit collects data from numerous sources. By requesting those reports prior to the PREA Audit, the auditor can identify certain targeted groups of inmates. Prior to the on-site audit the auditor requested and received the following reports for the facility, provided by the Department's PREA Unit:

- Perception Report (Inmate's perception of vulnerability)
- Special Needs Report
- Hotline Calls Report (for last 12 months)

**Outreach Prior to On-Site Audit:** The auditor reached out to the following advocacy organizations, one nationally, and one locally, to determine whether the organizations have had any communications or information regarding the Sumter County Correctional Institution.

- Just Detention International (JDI)

JDI examined their database to determine if they had ever had any complaints or reported issues regarding Sumter County Correctional Institution and that they have not had any complaints or issues regarding the facility documented in their database.

### **On-Site Audit Activities**

This audit was conducted by a Certified Auditor, certified in both Adult and Juvenile Standards. The Associate Staff, is a staff office staff, working with the Georgia Department of Juvenile Justice. She has had extensive experience working with both the PREA Standards in juvenile facilities and the standards of the American Correctional Association. The associate staff has worked with the Auditor on other audits of adult facilities. She was responsible for selecting both random and targeted offenders for interviews.

The auditor arrived at the facility, April 2, 2019 and concluded the audit on April 3, 2019. The auditor was met by the Deputy Warden of Security who accompanied the auditor to the Facility's PREA Compliance Manager. Following a meet and greet with staff, and after explaining the on-site auditing process, the auditor began interviews with specialized staff and later escorted on a complete tour of the facility by the Deputy Warden of Security, PREA Compliance Manager,

**Selection of Staff and Inmates:** The auditor selected the inmates to be interviewed from an alpha roster> There were no targeted category inmates at the facility. Offenders were selected from a cross section of inmates representing every living unit and program.

Staff were selected from the facility staffing rosters. A cross section of staff were selected to be interviewed and included day shift security staff, overnight security staff, split shift security staff, general population counselors, administrative support staff, food service and educational support staff.

### **(17) Randomly Selected Staff:**

- 10 Correctional Officer/Security Staff
- 01 Food Service Manager

- 01 Licensed Practical Nurse
- 02 Special Ops Staff
- 01 Administrative Assistant
- 01 Maintenance Staff
- 01 Compliance Manager

**(24) Specialized Staff included the following:**

- (1) Previous Interview with the GDC Commissioner
- (1) Previous Interview with the Agency's Contract Manager's designee
- (1) Previous Interview with the Agency PREA Coordinator
- (1) Previous Interview with the Agency Assistant PREA Coordinator
- (1) Warden of Sumter County Correctional Institute
- (1) Deputy Warden of Security/Incident Review Team/Facility Based Investigator
- (1) Deputy Warden of Care and Treatment/PREA Compliance Manager/Grievance Officer
- (1) Intake and Orientation Staff
- (1) Staff Conducting Victim/Aggressor PREA Assessments
- (1) Volunteer
- (1) Clinical Site Coordinator (Medical)
- (2) Human Resource Staff (Sumter County)
- (1) Chief of Security/Staff Supervising Segregation
- (1) Retaliation Monitor
- (1) Previous Interview with Special Agent from Southwest Region
- (2) Office of Professional Standards Investigators
- (2) Previous Interviews with Office of Professional Standards Investigators
- (2) Previous Interviews with Contracted Sexual Assault Nurse Examiner
- (1) Contractor

**(26) Total Inmate Interviews**

**Randomly Selected Inmates: 26 Inmates, randomly selected**

**The facility provided documentation to indicate there were no targeted inmates.**

**There were no youthful offenders at the facility.**

**(30) Informally interviewed inmates during the site review**

The auditor informally interviewed/interacted with inmates (30) during the site review. The auditor was provided privacy while talking with the inmates. After explaining the auditor's role, offenders were asked about receiving Zero Tolerance and PREA related information at intake and then if they were advised of their rights during orientation and how they would choose to report sexual abuse and sexual harassment if it happened to them or someone else. 100% of the interviewed offenders affirmed they were told about Zero Tolerance. They indicated they have received PREA Information in all GDC Facilities they have been in. Those who came from the Georgia Diagnostic Prison in Jackson, Georgia stated they received PREA information there and watched the PREA video there as well as here. They indicated ways they could report and said they can report it on their tablets by emailing the GDC PREA Unit, call the PREA Hotline number or tell someone.

## Documents and Files Reviewed:

- (01) Facility Organizational Chart
- (01) Facility Diagram
- (01) List of Cameras
- (01) Language Line Agreement with Sumter County Board of Commissioners
- (06) Training Rosters with 87 signatures documenting Day 1 In-Service Training 2019
- (01) Training Roster with 84 signatures documenting Annual In-Service Training 2018
- (01) Training Roster with 9 signatures documenting Pre-Service Orientation Training 2018
- (01) Training Roster with 41 signatures documenting PREA Training 2017
- (01) Training Roster with 60 signatures documenting Day I Annual In-Service Training 2016
- (06) Certificates documenting specialized training, PREA: Investigating Sexual Abuse in a Confinement Setting
- (02) Certificates documenting Advanced Sexual Assault Investigation Training (Georgia Network Against Sexual Assault-GNASA)
- (50) Certificates documenting staff completing the NIC Training, Communicating Effectively and Professionally with LGBTI Offenders
- (07) PREA Acknowledgement Statements for Supervised Contractors and Volunteers
- (29) PREA Acknowledgment Statements for Unsupervised Contractors and Volunteers
- (06) PREA Acknowledgment Statements for Contracted Teachers (South Georgia Technical College)
- (20) Employee Awareness and Education Brochures Acknowledgments
- (10) Offender Awareness and Education Brochure Acknowledgements
- (01) Staffing Plan
- (50) Months of Monthly PREA Reports to the PREA Unit
- (60) Assessments and Reassessments
- (01) Incident Report Log
- (01) Memo from Deputy Warden of Security who conducts the GCIC/NCIC background checks annually for correctional staff
- (05) NIC Certificates documenting specialized training entitled: "Behavior Health Care for Victims of Sexual Abuse in a Confinement Setting"
- (06) NIC Certificates documenting specialized training entitled: "Medical Care for Victims of Sexual Abuse in a Confinement Setting"
- (04) NIC Certificates documenting staff completing the NIC Course entitled, "Your Role in Responding to Sexual Abuse"
- (01) Local Operating Procedure 208.06
- (01) Volunteer List with 4 Volunteers
- (04) Acknowledgment of Employee Awareness and Education Brochure
- (25) Incident Report List
- (01) Grievance List
- (12) Monthly Reports to the PREA Unit
- (01) Acknowledgment of no targeted inmates from Warden
- (01) Sexual Assault Nurse Examiner Log
- (13) Logbook pages documenting unannounced rounds
- (30) Inmate Files documenting Orientation
- (03) Investigations of allegations of sexual abuse/sexual harassment

- (20) Newly Hired Personnel Files
- (06) Uniformed Staff Personnel Files
- (09) Non-Uniform Staff Personnel Files
- **PREA Unit Reports from the GDC PREA Unit Analyst**
  - 1) LBGTI Report
  - 2) Prior Victimization Report
  - 3) Disabilities Report
  - 4) Hot Line calls for the Past 12 months (zero)

**Investigations:** The auditor reviewed investigation packages of the 03 investigations conducted in the past 12 months.

**The following allegations were made during that time period:**

- **The auditor reviewed 3 of 3 Allegations/Investigation packages. The 3 investigations included the following:**
- 
- Allegations of Staff on Inmate Sexual Harassment: 01
- 
- Allegations of Inmate on Inmate Sexual Harassment: 00
- 
- Allegations of Staff on Inmate Sexual Abuse: 01
- 
- Allegations of Inmate on Inmate Sexual Abuse: 01
- 
- Unsubstantiated: 01
- 
- Substantiated: 00
- 
- Unfounded: 01
- 
- Pending with the Office of Professional Standards/ 01
- Special Agent

Investigations are discussed in Standard 115.71, Criminal and Administrative Investigation.

**Post Audit Activities:** The auditor communicated with the facility requesting additional information and clarifying issues. The need for Corrective Actions were requested. These are documented in the section below entitled: Follow-Up Required.

## Facility Characteristics

*The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee 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.*

Sumter County Correctional Institute is a medium security 350 bed male facility prison whose mission is to provide housing for state and county offenders and a general labor force supporting Sumter County Government.

The population is composed of adult male felons who have been convicted in the State of Georgia and sentenced to serve time in Georgia Department of Corrections Facilities. The current population age range is between 18 and 65. Security levels accepted into this program are those determined to be medium and minimum levels. Sex Offenders are not accepted in the program. Inmates who are disabled may not be suitable for this work program.

Often inmates assigned to the County Work Program are coming from other Georgia Department of Corrections Facilities and as a result are motivated to succeed because of the calmer atmosphere in the county facilities.

Although the facility is “work focused” the following programs are offered:

- Academic Programs include: General Education Diploma, Adult Basic Education, Literacy, Entrance Preparation to Technical and Vocational School. Educational Programs are offered Monday through Thursday. These classes are provided by instructors from South Georgia Technical College.
- Counseling Services include Pre-Release, Substance Abuse Education and Motivation for Change and other programs required by the Georgia Department of Corrections
- Recreation in the form of general recreation is offered
- Religious Activities consists of various worship services and Bible Study conducted by volunteers
- Vocational and OJT Programs offered include Heavy Equipment Operation, Carpentry, Laundry and Custodial Maintenance

The county's Human Resources Department is responsible for the county part of the hiring process. Background checks are initially conducted for newly hired staff at the Sumter County Sheriff's Department. Annually, Correctional Officers must go to the firing range to maintain their certification as Correctional Officers in the State of Georgia. Prior to that training, Correctional Staff must undergo another background check. This check is conducted by the Deputy Warden of Security at the facility.

Medical and Healthcare Services are provided via a contract with Wellpath. Staffing levels for the facility include the following:

- Clinical Site Coordinator, Registered Nurse
- Three (3) Registered Nurses
- Four (4) Licensed Practical Nurses
- Two (2) Licensed Practical Nurses

- One (1) Medical Doctor on site once a week
- One (1) Licensed Professional Mental Health once per week

Food Service is provided via a contract with Summit Food Services. Food Service Staff include the following:

- One (1) Food Service Manager
- Three (3) Food Service Employees

Food Service Staff indicated there are generally 10 inmate food service detail workers are assigned to each food service shift.

The physical layout of the facility consists of seven dorms that house up to 44 offenders in each of the open bay dorms, one dorm that houses up to 22 offenders, and one dorm that houses up to 20 offenders. There are 14 single occupancy Isolation/Segregation cells, to include 8 outside recreation cells. These are designed to help with offender security, disciplinary and behavior issues.

The open bay dorms are located on both sides of a long hall. The dorms are configured in an open bay style with double bunks. There is one camera in each dorm. Shower consist of two (2) single occupancy shower stalls separated by a wall between them. Each shower has a shower curtain providing privacy for inmates while showering. Toilets are separated into separate stalls with ½ walls. There are four (4) phones in each dormitory enabling inmates to contact their families or anyone on their approved lists and to place calls to the Georgia Department of Corrections PREA Unit using the “hotline” number. Inmates may place the call using the PREA Hotline without having to enter a Pin Number or any other form of identification. A Kiosk is in each dorm. On the Kiosk the inmate may send message to the Deputy Wardens and Counselors. They may also send emails to family via the Kiosk. Additionally, on the Kiosk, the inmate may email an allegation of sexual abuse or sexual harassment to the GDC PREA Unit. Notices of PREA Audit were posted in each dorm. PREA Posters were observed in all dorms and common areas.

The prison has a divided recreation yard behind the building. The administration area contains 10 offices, a conference room, a file room, and two restrooms. Any physical layout changes to the facility are approved by the Warden and ensures the changes do not interfere with PREA standards.

Sumter County Correctional Institute has 42 full-time staff positions and 5 part-time positions, totaling 47. There are 38 security, 5 care and treatment and 4 administrative positions. The facility currently has 2 vacant security positions and the vacancy rate is 0.94%. These vacancies are being advertised and are being interviewed for hire. These vacancies have not interfered with our ability to adequately cover all required post. The minimum staffing, according to an interview with the Deputy Warden of Security is reported to be four (4) staff per shift, including a staff serving as shift supervisor, one assigned to the control room and two roving officers who make rounds of the dorms. Reportedly the staffing levels are four (4) on the day shift, supplemented by staff from the slit-shift (staff who work normal duty hours and perform multi-functions such a tool and key control officer, sanitation etc.,). Staffing on the night shift, according to the Deputy is six. He reported there have been no deviations from these minimums. The Chief of Security also confirmed the minimum staffing is four staff per shift. These include a shift supervisor, one (1) control room officer and two (2) to three (3) additional roving officers. The Warden related he wants six staff per shift. The Deputy Warden, Warden, and Chief of Security affirmed the staffing for this level facility is adequate in attempting to keep inmate's safe.

This facility has no specific gender posts.

The facility provided a list of cameras and their locations. There are 46 cameras that are around the inner and outer areas of the prison. These cameras are monitored by staff throughout the following areas: the main control room 24 hours a day, the Warden's office, Deputy Warden's, and Captain's office during normal work hours

This facility has no post deviations, however, our priority at Sumter County Correctional Institute is to be prepared for post deviations.

The Administrative Duty Officers (a list is available for review) conduct unannounced PREA rounds anywhere an offender might be, for example: medical, kitchen, laundry, housing units, and educational area. These rounds are documented in the Administrative Duty Officer Log Book.

**Site Review:** The auditor was escorted by the Deputy Warden of Care and Treatment, Chief of Security and the Deputy Warden of Security.

Areas observed and visited during the site review included the following:

- Main Building. Front Control, Front lobby Entrance
- Administrative Building
- Dorm 4
- Dorm 3
- Dorm 2
- Dorm 1
- Isolation/Segregation (14 Single Cells)
- Medical
- Laundry
- Reception Area
- Back Gate
- Barbershop
- Power Room
- Sergeant's Office
- Captain's Office
- Dining Hall
- Serving Line
- Tray Room
- Electrical Room
- Kitchen/Food Service Areas
- Dry Storage 1
- Dry Storage 2
- Class Room/Education
- Multipurpose Room/Visitation Room
- Library Area
- ID Office

Dorms were all observed to be open bay with inmates sleeping in double bunks. The capacities of each of the main dorms is 44 offenders. One dorm has 22 and one 20. There is a camera in the dorms, 4

phones for calling family and the PREA Unit to report allegations of sexual abuse, a Kiosk to email family, staff and the PREA Unit, Single occupancy showers with shower curtains, toilets with ½ wall separated stalls, notices of PREA Audit, and multiple PREA related posters.

The facility was clean and orderly with floors shined.

The auditor informally interviewed twenty (20) inmates during the site review. Inmates were relaxed, cordial, indicated they received PREA information on admission during intake and through PREA Education. All of them knew ways to report sexual abuse and sexual harassment however over and over the inmates stated that sexual assault and harassment does not occur in this facility. They indicated they were glad to be here as opposed to the prisons they came from and indicated that was a motivation to follow the rules.

During the site review the auditor observed a blind spot in the back hall in segregation. Although a mirror was recommended, the Warden immediately ordered a camera to be installed to cover that area and blind spot.

*The summary should include the number of standards exceeded, number of standards met, and number of standards not met, **along with a list of each of the standards in each category**. If relevant, provide a summarized description of the corrective action plan, including deficiencies observed, recommendations made, actions taken by the agency, relevant timelines, and methods used by the auditor to reassess compliance.*

**Auditor Note:** No standard should be found to be "Not Applicable" or "NA". A compliance determination must be made for each standard.

**Number of Standards Exceeded:** Click or tap here to enter text.

115.11; 115.34; 115.35; 115.51

**Number of Standards Met:** 38

115.12; 115.13; 115.14; 115.15; 115.16; 115.17; 115.18; 115.21; 115.22; 115.31; 115.32; 115.33; 115.41; 115.42; 115.43; 115.52; 115.53; 115.54; 115.61; 115.62; 115.63; 115.64; 115.65; 115.66; 115.67; 115.68; 115.71; 115.72; 115.73; 115.76; 115.77; 115.78; 115.81; 115.82; 115.83; 115.86; 115.88; 115.89; 114.401; 115.403

**Number of Standards Not Met:** 0

N/A

### **Summary of Corrective Action (if any)**

**Issue #1:** Interviews with staff indicated they were not aware the facility had a contract with Language Line Solutions for providing interpretive services. While they indicated they would not rely on another inmate for interpreting, they were unsure of how they would access and interpreter.

**Corrective Action:** The PREA Compliance Manager provided documentation in the form of a training rosters for shift supervisors confirming they have been trained how to access Language Line.

**Issue # 2:** An assessment of victim/aggressor reassessments indicated that they were not being conducted within 30 days as required.

**Corrective Action:** The facility agreed to retrain counseling staff in conducting reassessments. A training roster was provided documenting staff were retrained and acknowledged the training via signature on the training roster.

## PREVENTION PLANNING

### Standard 115.11: Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

All Yes/No Questions Must Be Answered by The Auditor to Complete the Report

#### 115.11 (a)

- Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?  Yes  No
- Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?  Yes  No

#### 115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator?  Yes  No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy?  Yes  No
- 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  No

#### 115.11 (c)

- 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  No  NA
- 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  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This standard is rated exceeds for multiple reasons that are discussed below. The Agency appears to have been proactive in instilling a zero-tolerance for all forms of sexual abuse, sexual harassment, and retaliation for reporting or for cooperating with an investigation. Specific to this facility, the Warden has designated the Deputy Warden of Care and Treatment as the PREA Compliance Manager. In that position, the PREA Compliance Manager has the authority and responsibility to implement and maintain the PREA Standards. Documentation was provided too that indicated PREA has been consistently kept in the forefront since 2016. The PREA Compliance Manager is knowledgeable, organized, and has implemented a consistent and comprehensive approach to implementing a program for prevention, detection, responding and reporting sexual abuse and sexual harassment at this facility was impressive. Documentation of staff training was provided documenting training back in 2016, 2017, 2018 and 2019. Interviews with staff indicated they take PREA and sexual safety of inmates seriously as they responded to all questions and identified their roles in reporting all allegations regardless of where or how they come to be known or suspected and how to respond to allegations of sexual assault or sexual harassment. Inmates, both those formally interviewed and those informally interviewed, reported they had received PREA Information, including information on zero tolerance and how to report during intake and that this information was provided verbally and in writing and followed up with an orientation the same or next day and all indicated they received the PREA Education within the first week of admission.

The Local Operating Procedure, 208.06, Prison Rape Elimination Act Sexually Abusive Behavior Prevention and Intervention Program, asserts that the Sumter County Correctional Institute (SCCI) to provide a safe, humane, and secure environment for all offenders. It goes on to assert that the SCCI has a zero-tolerance policy towards all forms of sexual abuse, sexual harassment and sexual activity among offenders, including sexual harassment. In addition to providing the relevant definitions, the procedure discusses Prevention Planning, Reporting, and Responding to sexual abuse and sexual harassment.

The agency has policies mandating a zero-tolerance policy and the comprehensive PREA policy (SOP 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program) addresses the agency's comprehensive approach to prevention of sexual abuse and sexual harassment as well as its approach to detection, responding and reporting sexual abuse and sexual harassment. The agency's policy begins with a statement of policy and applicable procedures, followed

by extensive sections on Prevention Planning, Responsive Planning, and Reporting with multiple subsections addressing the GDC Procedures and the PREA Standards. The policy prohibits retaliation for reporting or participating in an investigation and mandates a zero tolerance for retaliation as well.

The GDC has developed the Office of Professional Standards Compliance Unit, with a full time Director overseeing compliance with PREA, American Correctional Association (ACA) Standards, and Americans with Disabilities Act Compliance. In addition, the Director of the Compliance Unit supervises the Policy Administrator and the agency's Auditing Component. The Auditing Component audits GDC facilities for compliance with policies and procedures.

The PREA Unit consists of the Statewide PREA Coordinator. The Statewide PREA Coordinator oversees all PREA related functions and has an Assistant Statewide PREA Coordinator. Additionally, the PREA Unit has a PREA Analyst who collects and analyzes data that is input into the GDC Database, called SCRIBE. The PREA Unit oversees the implementation of the PREA Standards and helps maintain compliance by periodically monitoring facilities and programs, by providing technical assistance, and by providing training. The Statewide PREA Coordinator is a certified Peace Officer Standards Training instructor enabling her to provide certified training to staff. The PREA Unit also collects PREA related data, review Sexual Assault Response Team Investigations (The Sexual Assault Response Team, SART, conduct the initial facility-based investigations). The Statewide PREA Coordinator reports to the Deputy Director of Compliance however she has unimpeded access to the Commissioner of the Georgia Department of Corrections with issues related to PREA. A recent interview with the Commissioner of the Georgia Department of Corrections confirmed his support for PREA, the PREA Coordinator and Compliance Director. The Commissioner receives message notifications of all sexual assaults in his facilities.

The agency has a Statewide Americans with Disabilities Act/Limited English Proficiency 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. 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. For example, on a previous audit, the auditor needed to interview a deaf inmate to determine his awareness and knowledge of PREA including zero tolerance, his rights related to sexual assault, sexual harassment and retaliation. One call to the Statewide ADA Coordinator resulted in access to an interpreter, who used American Sign Language via video. The ADA Coordinator has provided access to multiple statewide contracts for interpretive services for hearing impaired, visually impaired, or limited English proficient.

The Warden of the SCCI has designated a Facility Compliance Officer/PREA Compliance Manager. The PREA Compliance Manager is a higher-level employee, the Deputy Warden of Care and Treatment. The Facility's Organizational Chart identifies him as reporting directly to the Warden. The PREA Compliance Manager is experienced and was the PREA Compliance Manager when PREA was initiated and implemented in the Georgia Department of Corrections Facilities and Contracted Facilities.

The Georgia Department of Corrections PREA Policy and the SCCI Local Operating Procedures address and integrate the elements of the PREA Program, and includes the agency's approach to prevention, detection, responding and reports. The agency has identified sanctions for staff, contractor, or inmates for violating any agency sexual abuse or sexual harassment policy and the presumptive sanction for employees is dismissal/termination and banning contractors and volunteers from further

contact with inmates and the facility, until the conclusion of an investigation. The ban is statewide, preventing the contractor or volunteer from entering any GDC facility until an investigation is completed.

Zero Tolerance is referenced in multiple documents and publications including the Inmate Handbook, in PREA Acknowledgment Statements for staff, inmates, contractors and volunteer, on issued PREA brochures, in the PREA Video, and continuously through multiple PREA related posters that were observed in virtually every area of this facility, including disciplinary segregation.

**Policies and Documents Reviewed:** Georgia Department of Corrections (GDC) Policy 208.6, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program; SCCI Local Operating Procedure 208.06; Georgia Department of Corrections Organizational Chart; Statewide PREA Structure (Organizational Chart depicting lines of authority and responsibility for the PREA Unit); SCCI Organizational Chart; Previously reviewed Job Description Statewide PREA Coordinator; Prison Staffing Plan; PREA Brochures for Inmates and for Staff; Training Rosters documenting Day 1 Annual In-Service Training 2016, 2017, 2018 and 2019 and Specialized Training documenting staff completing the NIC Course entitled: Communicating Effectively and Professionally with LGBTI Offenders. Zero Tolerance Posters located throughout the facility;

**Interviews:** GDC Commissioner; Warden; Deputy Warden of Care and Treatment/PREA Compliance Manager; Deputy Warden of Security and Security; PREA Coordinator-Previous Interview; Assistant PREA Coordinator – Previous Interview; (17) Randomly Selected Staff; Twenty-Four (24) Specialized Staff, Twenty (26) Randomly Selected Inmates; (30) Inmates Informally Interviewed.

**Other:** Observed PREA related posters throughout the facility; phones with PREA Hotline dialing instructions were observed in all living units; Kiosks in each dorm

**Policy and Documents Review:** 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 also states that the Department has a zero tolerance for all forms of sexual abuse, sexual harassment and sexual activity among inmates. It further indicates the purpose of the policy is to strengthen the Department's efforts to prevent occurrences of this nature by implementing key provisions of the PREA Standards to help prevent, detect and respond to sexual abuse in confinement facilities. The PREA Policy addresses the agency's approach to preventing, detecting, responding and reporting sexual abuse and sexual harassment. The reviewed Local Operating Procedure, 208.06, provides the local procedures for preventing, detecting, reporting and responding to sexual abuse or sexual harassment.

It appears that the Georgia Department of Corrections and the SCCI takes sexual safety seriously. This is based on a number of factors. An interview with the GDC Commissioner indicated he believes he has put together a team (the Director of Compliance and the PREA Unit, led by the Statewide PREA Coordinator, who have effectively implemented PREA. He affirmed his support for PREA and the efforts of the PREA Unit. During the interview, he showed the auditor how he is notified of every sexual assault in the state via phone message and that he also receives follow-up on those via phone message as well.

The GDC appointed a Director of the Office of Professional Standards Compliance Unit, who is ultimately responsible for the Department's compliance with the PREA Standards, the Americans with

Disabilities Act and the American Correctional Association Standards. This staff person was previously the agency's PREA Coordinator and is a Certified PREA Auditor. She also supervises the agency's audit team consisting of a Statewide Senior Auditor and 8 security auditors and three physical plant auditors. Additionally, the facility (Valdosta State Prison) must comply with the ACA Standards and has a staff dedicated to overseeing the implementation of the ACA Standards in the facility.

Additionally, the Department has appointed a Statewide PREA Coordinator and an Assistant Agency Statewide PREA Coordinator with sufficient time and authority to develop, implement, and oversee the Department's efforts to comply with the PREA Standards in the Georgia Department of Corrections (GDC) facilities.

The Statewide PREA Coordinator has responsibility for the entire state. Both the PREA Coordinator and Assistant PREA Coordinator are experienced in adult corrections. They are heavily involved in training staff; whether it is training for the PREA Compliance Managers, Sexual Assault Response Team (SART) Members, or staff first responders to mention a few. PREA Compliance Manager training and SART training is held consistently at least twice a year. The PREA Coordinator is training to be a POST Certified Instructor (Peace Officer Standards Training) which means she has met all the requirements to instruct corrections staff, and especially Peace Officer Standards Certified Correctional Staff, enabling them to receive credit toward their ongoing certification and recertification requirements. The Peace Officer Standards Training and certification process are independent of corrections and law enforcement agencies and promulgates the standards for certification for all types of law enforcement and corrections agencies.

The reviewed Statewide PREA Structure, as depicted on the Agency's Organizational Chart, documented that the Statewide PREA Coordinator reports now to the Compliance Unit's Deputy Director. Interviews confirmed she has direct access to the Commissioner of the Department with regard to any PREA issues if needed. A recent interview with the GDC Commissioner confirmed he is very familiar with the Director of Compliance and the Statewide PREA Coordinator. He asserted his confidence in them and the work they do and assured the auditor of his full and complete support. An interview with the PREA Coordinator indicated that the Director of Facilities is also actively supporting the PREA Coordinator and PREA in all facilities.

The PREA Coordinator is an exceptionally knowledgeable staff. She is not just knowledgeable of PREA, but also is experienced working in adult facilities prior to her appointment. She has been responsible for ensuring that the prisons and facilities comply with the PREA Standards and that they maintain compliance. To that end she and the Assistant PREA Coordinator serve as resource staff for the GDC facilities and programs. Too, she is a Peace Officer Standards Training Certified Trainer and provides training related to PREA and PREA topics, for which the staff get credit by virtue of having a POST Certified Instructor presenting.

The PREA Unit now can review investigations that are uploaded into the agency's database prior to closing them out. This serves as a quality assurance function to provide some oversight to the facility-based investigation process.

The Assistant PREA Coordinator is also experienced in corrections, having worked in both the state and private sector. He is knowledgeable of PREA and provides technical assistance when needed to the GDC Facilities. A previous interview with the PREA Coordinator and the Assistant Statewide PREA Coordinator confirmed that they have sufficient time to perform their PREA related duties.

The PREA Unit is heavily involved as well in capturing data for planning, corrective action and other purposes. To that end, the agency and PREA Unit has a PREA Analyst assigned to the PREA Unit. His job, among other things, is to collect and analyze the data that is submitted to the PREA Unit on a monthly basis, by each facility. In working with the PREA Auditor, the PREA Analyst assists by retrieving information on all calls to the PREA Hotline from each facility prior to the on-site audit. He also assists the auditor by securing from the Georgia Department of Corrections Technical Section, rosters of disabled inmates, identifying the inmate and his/her disability, enabling the auditor to select disabled inmates to interview during on-site visits. He also provides a report of inmates or probationers who identify as LGBTI and who have reported prior victimization. He keeps statistics for each facility and cumulatively for the agency. These statistics are used by the Department to analyze issues related to PREA and are used to compile the Agency's Annual Report. The analyst also has a system that populates information from reports onto the SSV Form. He also provides a check and balance in collecting accurate information about sexual assault. Facilities are required to report allegations to the PREA Unit.

The agency has a designated staff responsible for coordinating activities related to compliance with the American Disabilities Act. She has asked each facility to designate a facility-based ADA Coordinator, and has arranged for the GDC to utilize multiple statewide contracts for inmates with disabilities. These contracts provide for interpretive services via phone, video, and in person. This state level position, ADA Coordinator, also under the umbrella of the Office of Professional Standards, Compliance section, has been actively involved in trying to get GDC staff trained in ADA. The ADA Director has also assisted facilities in securing interpretive services when needed. On one specific occasion at another facility she expedited, for the auditor, the interview of a deaf inmate by arranging within minutes, a video interview with an interpreter who used American Sign Language.

The PREA Unit has reached out to nationally recognized organizations to assist in implementing PREA. These included Just Detention International and the Moss Group. They contracted with Just Detention in the past to assist in implementing PREA and are now under contract with the Moss Group to help the Department assist in developing the agency's Transgender Policy. The DRAFT Policy has been completed and is being reviewed.

The Moss Group is also working with the Department to assess and recommend additional female programming (gender specific programming).

The Moss Group has provided Train the Trainer Classes to train trainers to go back into the facilities to train selected staff to serve as victim advocates. The Statewide PREA Coordinator and Assistant Statewide PREA Coordinator have been trained by the Moss Group to conduct this training.

The PREA Unit, realizing the quality of the Facility-Based investigations needed to be monitored, has implemented a computer-based program to enable the PREA Coordinator, Assistant PREA Coordinator and PREA Analyst to monitor investigations. This enables them to review the investigation and to require additional action, including instructing the facility-based investigators to look at other areas if warranted, prior to closure, for the investigation to be approved by the PREA Unit. This provides a quality assurance component to evaluate investigations. Plans, according to the PREA Coordinator, are underway for the PREA Coordinator, Assistant PREA Coordinator and PREA Analyst to use video to go into each facility to review, with them, their investigations.

The Warden/Superintendent at each institution is charged with ensuring that all aspects of the agency's PREA Policy are implemented. The Warden of the SCCI has developed a local operating procedure

addressing zero-tolerance, efforts to prevent sexual abuse and sexual harassment, detect, report and respond to allegations to sexual abuse and sexual harassment.

Wardens/Superintendents are also required to assign an Institutional PREA Compliance Manager, who also has sufficient time and authority to develop, implement and oversee the facility efforts to comply with the PREA Standards. An interview with the PREA Compliance Manager indicated that although he, like other staff in this smaller facility has multiple duties, he makes time to perform all her PREA related responsibilities. He also indicated that he has the complete support of the Warden and he has given the authority and responsibility for implementing the standards and for maintaining compliance with them. The Facility Organizational Chart depicts the PREA Compliance Manager as having direct access, when needed to the Warden.

The agency appears to be proactive in working towards preventing, detecting, responding and reporting PREA incidents. This was described by the PREA Coordinator and included the fact that they have been working with Just Detention International on a variety of initiatives and projects. The agency, in the past, provided documentation of their JDI PREA Demonstration Grant, including the Final Close-Out Report dated March 2, 2018. The grant included nine (9) GDC project pilot facilities. The initiatives included: 1) Promote broad-based culture shift within GDC through new staff training programs that comply with the PREA Standards and address each employee's role in preventing and responding to sexual abuse. This included assessing the cultures in the pilot facilities and then developing and providing training. 2) Develop a trauma-informed response to sexual assault, ensuring incarcerated survivors have access to the same quality of care that is available in the community. During this part of the project the JDI worked with the Georgia Network to End Sexual Assault (GNESA) in providing training to staff in providing trauma-informed response to inmates reporting sexual abuse, in building partnerships with community-based rape crisis centers and to provide training to the facility-based sexual assault response team members, ensuring a coordinated response to inmates reporting sexual abuse. This goal included objectives related to more training for staff and SARTs as well as securing written MOUs with rape crisis centers. 3) Develop PREA inmate education programs that address the needs of inmates with GDC's facilities. This included an assessment of existing inmate education curricula and materials, identifying inmate education delivery methods best suited for each of GDC's facility types and revising or developing new inmate education curricula and materials tailored to the needs of each facility type, and establishing a plan for delivering that education to new inmates and on an ongoing basis. 4) Enhance GDC's procedures regarding PREA standards and audit compliance.

Zero Tolerance appears to have been reinforced in the GDC prisons, Probation Detention Centers, Transitional Centers and contracted County Prisons, this auditor has audited. This observation is made based on the fact that inmates consistently tell the auditor they have received this information in every facility they have been in and most have been transferred multiple times throughout the years.

Offenders frequently tell the auditor they have seen the PREA Video multiple times in multiple GDC facilities. One inmate during a recent audit thanked the PREA Auditor for PREA and said that he has seen serious sexual assaults during his years in prison but that since PREA he has not seen that much and said that at his present facility, he has not been aware of any sexual assaults.

Zero Tolerance is also reflected in multiple documents, including PREA Acknowledgment Statements for staff, contractors, volunteers and inmates. Posters were observed in every area of the building, and in every living unit.

Inmates, staff, contractors and volunteers are trained in the zero-tolerance policy. They acknowledge that in signed PREA Acknowledgment Statements. The auditor reviewed Training Rosters documenting completion of Day 1, Annual In-Service Training that includes PREA Training. 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 to GDC Standard Operating Procedure 208.06, Sexually Abusive Behavior Prevention and Intervention Program. They also acknowledge that violation of the policy will result in disciplinary action, including termination or being banned from entering any correctional institution.

The auditor reviewed PREA Acknowledgment Statements for employees and contractors that were in personnel files selected for review. These affirm zero tolerance.

GDC also requires staff to complete the NIC on-line training, Communicating Effectively and Professionally with LGBTI Offenders.

The agency appears to value training to assist in the agency's prevention efforts. The agency plans and provides additional training for Sexual Assault Response Team Members, as well as ongoing training for PREA Compliance Managers. Sexual Assault Team Members (SART) attend training at least semi-annually. This training was documented in training rosters (previously provided and reviewed) and through interviews with SART members, the PREA Coordinator and Assistant PREA Coordinator. Designated staff complete the NIC on-line Specialized Training for Investigating Sexual Abuse in Confinement Settings, in addition to the specialized training for their respective fields; i.e., Medical and Mental Health. Healthcare staff attend training in Nursing Protocols and complete the NIC Training entitled, Medical Care for Victims of Sexual Abuse in a Confinement Setting. A qualified staff in most or all the GDC facilities is trained to serve as an advocate for victims of sexual abuse and advocates are generally a part of the Sexual Assault Response Team.

Offenders are provided PREA related information upon admission to the facility during the intake process. During Intake and according to staff, inmates are provided information about zero tolerance and are provided the PREA Brochure. If not completed on the day of admission, inmates also receive an orientation in which they watch the PREA video, going over the PREA pamphlet, explaining zero tolerance and how to report. Almost 100% of the 26 interviewed inmates affirmed they received information during the intake process on the zero-tolerance policy and how to report. They indicated they received that information in writing and verbally. They also stated they received the PREA education and training in their rights during orientation. This was confirmed through interviews and through reviewing acknowledgment statements and orientation checklists.

**Interviews:** An interview with the Commissioner of the Georgia Department of Corrections confirmed he is knowledgeable of PREA, including some of the nuances of facility operation related to PREA. He also showed the auditor how he receives messages anytime there is a sexual assault in any of his facilities. He was very familiar with the Statewide PREA Coordinator and the Director of the Compliance Unit and indicated he was very aware of the good PREA Team he has.

The Warden indicated he supports PREA and has appointed a staff, whose duties are implementing and maintaining compliance with the PREA Standards and ACA Standards. He indicated he fully supports her and that he has a zero tolerance for all forms of sexual abuse and sexual harassment.

The PREA Compliance Manager is knowledgeable of PREA. He described how he coordinates the implantation and maintenance of GDC Policy related to PREA and the PREA Standards.

One-hundred percent (100%) of the 17 interviewed random staff and 24 specialized staff were aware of the zero-tolerance policy and agency's zero tolerance for any form of sexual abuse, sexual assault, sexual harassment or retaliation. They are trained to and required to report all allegations of sexual abuse or sexual harassment including suspicions and staff actions that may have contributed to an incident or allegation.

The twenty-six (26) randomly selected inmates and thirty (30) informally interviewed inmates affirmed they know there is a zero tolerance for all forms of sexual abuse, sexual harassment and retaliation.

Allegations and reports, regardless of the source, are required to be documented and investigated. Staff stated they would report the allegation immediately to their immediate supervisor and follow up with a written statement prior to the end of their shift. They said they would report "everything" regardless of how they received the information or regardless of whether it involved a staff, inmate, contractor or visitor.

Interviewed staff affirmed that they have been trained in each of the topics required by the PREA Standards and that those topics were covered in Pre-Service Training and each year in annual in-service training. Staff also are required by the PREA Unit to complete the National Institute of Corrections on-line training entitled: "Communicating Effectively and Professionally with LGBTI Offenders". Interviews confirmed that each of the interviewed staff completed that training as well.

Inmates, staff, contractors and volunteers are trained in the zero-tolerance policy. This was confirmed through reviewed acknowledgment statements, reviewed training rosters, certificates of training and interviews with them. All formally interviewed offenders as well as 30 informally interviewed offenders, during the site review, were aware the facility and GDC has a zero tolerance for all forms of sexual activity and how to report. Most of the informally interviewed inmates acknowledged they received information on admission and that they viewed the PREA Video. They also indicated they have received that information in every facility they have been assigned to. They also pointed out that the information is available all over the facility through posters.

**Other:** Zero Tolerance is reflected in multiple documents, including PREA Acknowledgment Statements for staff, contractors, volunteers and inmates. Posters were observed in every building, every living unit and throughout the facility.

Inmates at this facility have access to a KIOSK in each dorm from which they can report directly to the GDC PREA Unit via email. They may also email anyone on their approved visitors list. They may also conduct video visitation if they have enough funds on their account.

## **Standard 115.12: Contracting with other entities for the confinement of inmates**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.12 (a)**

- 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  No  NA

#### 115.12 (b)

- 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 OR the response to 115.12(a)-1 is "NO".)  Yes  No  NA

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The reviewed Intergovernmental Agreement County Capacity (contract) between the Georgia Department of Corrections and Sumter County, dated the 8<sup>th</sup> of May 2018, contains in Paragraph 8 the following requirements:

The County agrees that it will adopt and comply with 28 C.F.R 115, entitled the Prison Rape Elimination Act as required in 28. C.F.R. 115.12. County further agrees to cooperate with the Department in any audit, inspection, or investigation by the Department or other entity related to County's compliance with PREA. Department shall monitor the County's compliance with PREA and shall have the right to inspect any documents or records relating to such audit, inspection, or investigation and County will provide such documents or records at Department's request. County acknowledges that failure to comply with PREA is a material breach of this Agreement and is cause for termination of this Agreement.

**Policy and Document Review:** Georgia Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior, Prevention and Intervention Program, A. Prevention Planning, Paragraph 2; Two (2) Agency Contracts (Previously Reviewed); Reviewed Intergovernmental Agreement County Capacity, July 2018 (for the confinement of offenders); Pre-Audit Questionnaire.

**Interviews:** Commissioner of the Georgia Department of Corrections; PREA Coordinator (Agency Director Designee) prior interview; Assistant PREA Coordinator previous interview, PREA Compliance Manager; Warden; Previous interview with Contracts Manager's Designee.

**Discussion of Policy and Documents Reviewed:** Georgia Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive 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 auditor reviewed the Agreement between the Georgia Department of Corrections and Sumter County that contained the required PREA compliance language. Additionally, the auditor reviewed contracts for housing inmates at the Harris County Prison, Coweta County Prison, Carroll County Prison, and the Columbus Consolidated Government.

An example of the language in the Intergovernmental agreement between the Georgia Department of Corrections and the Columbus Consolidated Government for the confinement of offenders includes the following language in Paragraph 8, Prison Rape Elimination Act, that states, "County agrees it will adopt and comply with 28 CFR 115, entitled Prison Rape Elimination Act (PREA) as required in 28 CFR 155-12. The Columbus Consolidated Government also agrees to cooperate with Department (GDC) in any audit, inspection, or investigation by Department or other entity relating to County's compliance with PREA. It also agrees the Department will monitor the County's compliance with PREA and shall have the right to inspect any documents or records relating to such audit, inspection, or investigation and County will provide such documents or records at Department's request. Counties acknowledge that failure to comply with PREA is a material breach of this Agreement and is a cause for termination of this Agreement."

Sumter County Correctional Institute does not contract for the confinement of offenders. This was confirmed through interviews with the PREA Coordinator (previous interview), Warden, PREA Compliance Manager, and the reviewed Pre-Audit Questionnaire.

The Agency PREA Coordinator previously provided the auditor two additional contracts the agency promulgated for the confinement of inmates by a county prison and a private vendor. Both contracts contained requirements for the contactor to comply with PREA and to acknowledge that the Georgia GDC has the right to monitor for compliance.

The auditor has reviewed contracts (known as intergovernmental agreements) for 5-6 county prisons. The agreements are between the Georgia Department of Corrections and the Governmental Entity responsible for operation of the county prison. Each of the reviewed contracts contained the same verbiage requiring the County adopt the PREA Standards and comply with them. They also acknowledged that the Department will monitor the facilities for compliance.

**Discussion of Interviews:** The Warden, Deputy Warden of Care and Treatment and the Deputy Warden of Security acknowledged that they know they must comply with PREA and the PREA Standards and the failure to comply is considered a material breach of the contract and is a cause for termination of the contract. The Commissioner informed the auditor that GDC does not have any union employees and he is not involved in any form of collective bargaining. He asserted he can remove from contact, any staff, alleged to have violated an agency sexual abuse or sexual harassment policy.

## Standard 115.13: Supervision and monitoring

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.13 (a)

- Does the agency ensure that each facility has developed a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?  Yes  No
- Does the agency ensure that each facility has documented a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration the generally accepted detention and correctional practices in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration any judicial findings of inadequacy in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from Federal investigative agencies in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration any findings of inadequacy from internal or external oversight bodies in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration all components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated) in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration the composition of the inmate population in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration the number and placement of supervisory staff in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration the institution programs occurring on a particular shift in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No  NA

- Does the agency ensure that each facility's staffing plan takes into consideration any applicable State or local laws, regulations, or standards in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration the prevalence of substantiated and unsubstantiated incidents of sexual abuse in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No
- Does the agency ensure that each facility's staffing plan takes into consideration any other relevant factors in calculating adequate staffing levels and determining the need for video monitoring?  Yes  No

#### 115.13 (b)

- 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  No  NA

#### 115.13 (c)

- 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  No
- 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  No
- 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  No

#### 115.13 (d)

- 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  No
- Is this policy and practice implemented for night shifts as well as day shifts?  Yes  No
- 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  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)

- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Georgia Department of Corrections Policy requires each facility to develop a staffing plan addressing adequate staffing and deployment of video monitoring in an effort to protect offenders from sexual abuse.

The facility's staffing plan, dated March 25, 2019, asserts that in calculating adequate staffing levels and determining the need for video monitoring the facility will take into account the following:

- General Detention Practices
- Any findings of inadequacy from Federal Investigative agencies
- Any findings of inadequacy from internal or external oversight bodies
- All components of the institution
- Activities occurring on each shift
- Any applicable State or local laws, regulations and standards
- The prevalence of substantiated and unsubstantiated sexual abuse Any other factors that could impact the safety and security of the institution

The plan further asserts if there were any deviations from the staffing plan they would be documented and the justification for the deviation supplied.

The Sumter County Correctional Institute houses offenders who are adult male felons, sentenced by the courts to serve periods of incarceration determined by the courts but impacted by GDC Policies. These offenders may not be sex offenders and must have sentences of 13 years or less. Inmates assigned to a county prison must be capable of understanding instructions and be able to work because these prisons are work focused, with inmates being assigned to one of 33 outside details or one of the 21 inside work details. Youthful offenders are not assigned to these facilities nor are there any inmates being detained solely for civil immigration purposes.

In accordance with the Staffing Plan, the plan asserts the ideal staff to offender ratio should be 58:1 at the prison, if feasible. The facility operates two twelve (12) hour shifts.

The plan addresses the minimum staff levels for each shift. Each day shift has the following staffing:

- One Sergeant
- One Corporal
- Four Officers
- Control Room Operator

Staffing is supplemented by a split shift. This shift provides supplemental coverage in addition to serving multi-functions like key and tool control, sanitation and chemical control, laundry, etc. When needed these officers are certified correctional officers and may pull priority one posts or other posts as well. The split shift begins at 7:30AM. At any given time, any certified officer is subject to reassignment to accommodate shift shortages.

The staffing determined to be adequate at this facility is stated in the staffing plan. The facility has 41 full time staff and 4 part time positions for a total of 45 staff. There are 36 security positions, 5 care and treatment positions, and 4 administrative positions. The facility has only 2 vacancies and the vacancy rate is .94%. Staff reported the vacancies have not impacted the facility's ability to cover all required posts.

The plan has considered blind spots and identified the segregation unit cell door entrance, supply area and back hallway around segregation. During the onsite the auditor observed a blind spot around a corner going to the other side of the segregation cells. There is no camera coverage or mirrors that would enable viewing a staff or inmate around this corner. Prior to the conclusion of the on-site audit the Warden had secured a camera for the blind spot and was having it installed the final day of the on-site audit.

Considering the mission and lay out of the facility the plan states the facility is a medium security, 350 bed, all male facility housing inmates who have been sentenced by the courts and are serving their sentences. Sex offenders are not eligible for this program.

The layout of the facility consists of seven dormitories that house up to 44 offenders, one dorm that houses up to 20 offenders and one that houses up to 22 offenders. There are 14 single occupancy isolation/segregation cells. The prison has a divided recreation yard behind the main building. The administrative area has 10 offices, a conference room, a file room, and two restrooms. The plan asserts that any changes to the physical layout of the facility are approved by the Warden to ensure the changes do not interfere with PREA Standards.

Staff supervision is supplemented by 43 cameras strategically placed throughout the inside and outside of the facility. These may be monitored by staff in main control 24 hours per day, the Warden's Office, Deputy Warden's Office, and Captain's Office during normal work hours.

The facility must consider the details inmates are assigned to work on. There are 33 outside work details consisting of approximately 123 offenders and there are 21 inside work details manned by 59 offenders.

Shift Supervisors are required to make unannounced rounds to check security issues and to deter sexual activity. Duty Officers are required to make unannounced rounds during their one-week tour of duty as well.

Programs are considered as well in considering the staffing levels. Institutional programs include the following:

- Motivation for Change
- GED
- Re-Entry Classes
- Religious Services

Considering offender transports, the facility must provide two Correctional Officers to transport offenders.

GDC Policy and the Facility's Local Operating Procedure (208.06), Page 6, paragraph D, requires that at a minimum of once a year or whenever deemed necessary the PREA Coordinator and the Executive Staff will assess and determine and document whether adjustments are needed to ensure compliance with the staffing plan, video monitoring system, and the resources to ensure the staffing plan is adhered to.

Staffing levels then are essentially based on the mission of the facility, population served, security levels of offenders, special needs of offenders, programs, work details and the numbers of identified priority one posts. Priority one posts are those that are so critical they must be manned 24/7. The facility may also have other posts that need to be staffed for optimum operational conditions but are a lesser priority than the posts that must be manned 24/7. Priority two and three posts are needed for the optimal operation of the facility but lower priority posts and may be closed or "pulled" in order to staff higher priority level posts. Some posts may be closed because their function has ceased at a given time of day or night.

The population analysis just prior to the on-site audit consisted of the following:

#### **Capacity**

Physical Capacity: 350

**Security Level:** Medium (with minimum security inmates)

#### **Demographics**

**Policy and Documents Reviewed:** Sumter CCI Staffing Plan, Facility Pre-Audit Questionnaire; Georgia Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, A. Prevention Planning, Paragraph 3; Sumter CCI Local Operating Procedure, 208.06; Reviewed Log Book pages documenting unannounced rounds; Georgia Department of Corrections SOP, 11A07-0012, Security Post Rotation/Security Rosters;

**Interviews:** Commissioner; Warden, Deputy Warden of Security; Chief of Security; PREA Compliance Manager; Shift Supervisor; Agency PREA Coordinator (previous interview); Assistant Statewide PREA Coordinator (previous interview), Leader of Sexual Assault Response Team, 17 Randomly selected staff; 24 Specialized Staff; 26 Randomly selected; Informally Interviewed

**Policy and Document Review:** 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. This is also required by the facility's Local Operating Procedures, 208.06 for the Sumter CCI.

Staffing plans must take into consideration all the items required in GDC Policy and the PREA

Standards. GDC has provided a template for developing a staffing plan that addresses each of the required topics for consideration required in the PREA Standards and GDC Policy.

Facilities are also 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. This is required in GDC Policy and the Local Operating Procedures for the facility.

Additionally, policy requires unannounced rounds by supervisory staff with the intent of identifying and deterring sexual abuse and sexual harassment every week, including all shifts and of all areas. These rounds are documented in area logbooks and staff are prohibited from alerting other staff of the rounds. Duty Officers are required to conduct unannounced rounds and these rounds are required to be documented in the Duty Officer Log book. Shift rosters confirmed the minimum staffing required. All priority one posts were staffed as required without deviations. Logbook reviews were documented above.

The staffing plan documented consideration of the inmate population and programs that are going on different shifts, the presence of video monitoring, and priority one (24/7) posts.

The staffing plan and review is conducted by the Warden and PREA Compliance Manager and then, by either the Statewide PREA Coordinator, or Assistant Statewide PREA Coordinator.

**Discussion of Interviews:** The Warden and the Deputy Warden of Security described the staffing levels at his facility and identified the priority 1 post that are covered 24/7. Interviews indicated if there should be an issue with covering a priority one post the facility has a split shift of about ten staff whose work hours are essentially during normal duty hours. If a post needs to be covered, the split shift is available. If split shift staff are not on duty, they may be called in to cover the post. He described the actions that would be taken to ensure a priority one post is never deviated from. Interviews with staff indicated the minimum staffing is almost always maintained and there are enough staff to supervise the inmates. They indicated that there consistently is a staff in the control.

## Standard 115.14: Youthful inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.14 (a)

- 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].)  Yes  No  NA

### 115.14 (b)

- 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].)  Yes  No  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].)  Yes  No  NA

#### 115.14 (c)

- 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].)  Yes  No  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].)  Yes  No  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].)  Yes  No  NA

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Sumter CCI does not house youthful offenders. Male youthful offenders are housed by the Georgia Department of Corrections at the Burruss Training Center in Forsyth, GA. This was confirmed by reviewing the Burruss facility's website (GDC), interviewing the Warden, Deputy Warden for Care and Treatment, and the Deputy Warden of Security.

**Policy and Documents Reviewed:** Georgia Department of Corrections PREA Policy 208.06, Pre-Audit Questionnaire; Burruss Training Center webpage.

**Interviews:** Warden; PREA Compliance Manager; 17 randomly selected staff; 24 specialized staff; previous interviews with the Agency PREA Coordinator and Assistant Statewide PREA Coordinator.

**Policy Review:** The Georgia Department of Corrections PREA Policy requires that youthful offenders are sight and sound separated from adults and that where youthful offenders are maintained they must

be housed in a separate unit and have access to programs and exercise. When outside the unit, they must be sight and sound separate unless they are accompanied by and supervised by a correctional officer.

There are no youthful offenders assigned to this program. This was confirmed through the reviewed Pre-Audit Questionnaire, site review, reviewed inmate rosters, and interviews with staff. During the on-site audit the auditors did not observe any youthful offenders. Reviewed inmate files did not identify any youthful offenders.

**Discussion of Interviews:** Interviews with the Warden; Deputy Wardens; Shift Supervisors; Medical Staff; and randomly and specialized staff confirmed there are no youthful offenders housed at this facility.

## Standard 115.15: Limits to cross-gender viewing and searches

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.15 (a)

- 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  No

### 115.15 (b)

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates in non-exigent circumstances? (N/A here for facilities with less than 50 inmates before August 20, 2017.)  Yes  No  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 here for facilities with less than 50 inmates before August 20, 2017.)  Yes  No  NA

### 115.15 (c)

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?  Yes  No
- Does the facility document all cross-gender pat-down searches of female inmates?  
☒ Yes  No

### 115.15 (d)

- Does the facility implement a policy and practice 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  No

- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?  Yes  No

#### 115.15 (e)

- 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  No
- 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  No

#### 115.15 (f)

- 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  No
- 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  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Georgia Department of Corrections (GDC) and the Sumter CI Local Operating Procedures (208.06) prohibits cross gender strip searches or cross-gender visual body cavity searches, and cross gender pat searches of females except in exigent circumstances that are approved and documented or when performed by medical practitioners. If this should occur, documentation is required via a GDC Incident Report. This is confirmed through the reviewed policies, Sumter CCI Local Operating Procedures, annual in-service training lesson plan, and interviews with both staff and inmates. In

practice, interviews with staff and inmates confirmed that female staff do not conduct cross gender strip searches however both male and female officers are trained to conduct pat searches. 100% of the interviewed staff confirmed females do not conduct strip searches. 100% of the 27 interviewed inmates confirmed that female staff do not conduct strip searches at the facility.

The GDC Search Policy in 1.d requires that a strip search of females shall be conducted by female correctional officers while males shall be strip searched by male correctional officers, however in an emergency such as an escape, riot etc., the provision may be waived.

GDC Policy does allow female staff, who have been trained in conducting cross-gender searches, to conduct pat searches of male inmates. The Local Operating Procedure asserts that all staff are trained to conduct pat searches of all offenders during POST Certification Training and/or during annual in-service training.

The facility's practice that staff at this facility do not conduct any type of cross gender search. The practice at this facility, as confirmed through interviews with staff and with inmates, is that male staff conduct all the searches. Interviews with staff confirmed that male staff conduct the searches at the facility. Reviewed investigations indicated there were no allegations regarding cross-gender pat searches. 100% of the 27 interviewed inmates stated that they have never been pat searched by a female staff.

GDC Policy does permit trained female staff to conduct cross gender pat searches if a male staff is not available. Although female staff may conduct a cross gender pat search the practice at this facility is that if a male staff is available, the male staff will conduct the search.

This is an all-male facility however GDC Policy requires that the requirement for prohibiting cross gender pat searches of females will not restrict female offender's access to regularly available programming or other out-of-cell opportunities in order to comply with those provisions. This provision in the Standards is not applicable to this male facility.

GDC policy and practice requires that inmates can 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. Showers in this facility are equipped with shower curtains providing privacy while inmates shower. Toilets are separated by  $\frac{1}{2}$  walls providing a degree of privacy for the inmate.

100% of the interviewed inmates confirmed that they are never naked in full view of staff while showering, using the restroom or changing clothing. Inmates also consistently said they shower one inmate at the time out of respect for each other.

In open bay dorms, toilets are separated by  $\frac{1}{2}$  walls affording a degree of privacy while using the restroom and ensuring they are not in full view of staff while using the restroom. Showers are single occupancy with curtains.

All but two of the 27 interviewed inmates said they are never naked in full view of staff. The modified questionnaire used by the auditor asks the inmates if showers are single occupancy, separate stalls, if the showers have curtains. 100% said the showers are covered by shower curtains and toilets are separated by  $\frac{1}{2}$  walls.

GDC policy and the facility's local operating procedure (208.06) requires staff of the opposite gender to announce their presence when entering the housing units. The Local Operating Procedure requires the female staff to announce and for the control room operator to announce female working in the dorms over the intercom at the beginning of the shift. Signs are also posted in each pod, explaining that female staff typically work in the pod. The sign does not negate the requirement to announce their presence and they indicated they do announce their presence. 100% of the interviewed staff said female staff announce their presence when entering the living units and all but one inmate out of the 27 interviewed, said female staff announce their presence.

Policy requires that the facility refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status and If an inmate's genital status is unknown, the facility may 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. The policy does not limit searches of offenders to ensure the safe and orderly running of the institution. The Sumter CCI Local Operating Procedure requires if gender verification is required, the verification of gender is conducted through an interview and/or records research process.

100% of the interviewed staff affirmed they would not be allowed to search a transgender or intersex inmate for the sole purpose of determining the resident's genital status. They indicated essentially that they would ask them or have medical make that determination. None of the interviewed transgender offenders reported that they were searched for the sole purpose of determining their genital status.

**Policies and Documents Reviewed:** Georgia Department of Corrections (GDC) Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program; GDC Policy 226.01, Searches, 1.d; Sumter Correctional Institute Local Operating Procedures, 208.06; Training Module for In-Service Training for 2017; Pre-Audit Questionnaire; Reports from the PREA Analyst; SOP 11B-01-0013, Searches

**Interviews:** 17 Randomly selected staff, 24 Specialized Staff; 26 inmates; 30 Informally interviewed offenders during the site review.

**Observations:** Showers have shower curtains; Toilet areas provided some privacy by separate stalls with ½ walls. The auditor did not observe any searches during the on-site audit. Signs advising inmates that female staff work the dorms were observed posted in every unit.

**Policy and Documents Review:** Department of Corrections (DOC) Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program and GDC Policy 226.01, Searches, prohibits cross-gender strip or visual body cavity searches except in exigent circumstances or when performed by medical practitioners. The Facility Local Operating Procedures, 208.06, requires that any cross-gender search at this facility is prohibited.

GDC Policy 226.01, Searches, 1.d., requires that strip search 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.

The reviewed Pre-Audit Questionnaire and interviews with staff and inmates confirmed that there have been no cross-gender strip or body cavity searches during the past twelve months. All the interviewed staff confirmed that female staff are prohibited from conducting cross-gender strip or body cavity searches unless there were exigent circumstances that are documented.

Paragraph 2. Frisk or Pat Search requires the pat search will be conducted, when possible, by an officer of the same sex. However, male offenders may be frisk or pat searched by both male and female security staff. Instructions for conducting pat searches, including using the back of the hand and edge of the hand are provided during search training. Although there are no females at this facility, policy prohibits male staff from conducting pat searches of female inmates absent exigent circumstances that are documented

The auditor reviewed the training module for in-service training. That training reaffirmed the verbiage in policy. Multiple pages of training rosters documenting Day 1 In-Service were provided for review. Staff also affirmed, in their interviews, that they have been trained in how to conduct a proper pat search of offenders, to include transgender and intersex offenders. Staff were asked to demonstrate the technique they were taught, and staff demonstrated how they would use the back of their hands to avoid an allegation of groping the inmate. They referred to the back of their hands as the “blade: which is the term used in the training.

GDC Policy prohibits staff from searching a transgender inmate for the sole purpose of determining the inmate's genital status. The Sumter County Correctional Institute Local Operating Procedure asserts and requires that if gender verification is required, the verification of gender is conducted through an interview/records research process. Staff are also required by policy to search transgender and intersex inmates in a professional and respectful manner. 100% of the interviewed staff confirmed they would not and would not be allowed to search a transgender or intersex offender for the sole purpose of determining the offender's genital status. There were no transgender inmates at the facility during the on-site audit period.

SOP, 11B01-0013, Searches, again reiterates that males strip search males except in exigent circumstances and even then, only if same sex officers aren't available. It also affirms the expectation that pat searches, when possible, are conducted by same sex staff. Cross gender strip searches, should they be done in an exigent circumstance, are required to be documented on an incident report. Interviewed staff explained an exigent circumstance as a dire emergency.

GDC requires facilities to implement procedures enabling 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. Policy requires that inmates should shower, perform bodily functions and change clothing in designated areas. Observations of the showers in every dormitory confirmed that offenders have privacy while showering. Toilets are separated by half walls affording a degree of privacy. Showers have curtains and are separated into stalls by whole walls.

Interviews with staff and 27 offenders confirmed inmates can shower, perform bodily functions and change clothing without being viewed by staff. Interview with 30 inmates, informally, also confirmed privacy while showering, using the restroom, and changing clothes.

An additional measure required by policy is for staff of the opposite gender to announce their presence when entering an inmate housing unit. Signs are prominently posted in each pod informing inmates that

female staff typically work in the pod. Interviewed staff, randomly selected as well as specialized staff, affirmed that staff consistently announce their presence before entering the housing area. Almost 100% of the interviewed inmates asserted that female staff announce their presence when entering the housing units. They also said the inmates announce it as well.

**Discussion of Interviews:** Interviewed staff affirmed they are prohibited from conducting cross-gender strip searches except in dire emergencies and then only if a male staff is not available. They also stated they have been trained to conduct cross-gender pat searches and that female officers at this facility do not conduct pat searches of male offenders. They indicated they are trained to conduct cross-gender pat searches and searches of offenders in professional and respectful manner. They confirmed that search training, including cross gender pat searches and searches of transgender and intersex inmates in a professional and respectful manner is taught during Basic Correctional Officers Training, during in-service training and demonstrated during some shift briefings periodically. Staff also stated they have been trained to search a transgender and intersex inmate in a professional and respectful manner.

The reviewed training module for Annual In-Service, reminds staff that security staff must conduct searches in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs. Staff are instructed that female staff may conduct strip and body cavity searches of male inmates only in exigent circumstances that are documented on an incident report.

Staff indicated, in their interviews, that staff of the opposite gender consistently announce their presence saying things like “female on deck”. Most of the interviewed inmates affirmed female staff not working in the unit announce their presence when entering the dormitory.

Interviews with 27 inmates confirmed that male or female staff do not see them naked in full view while using the restroom and while showering. Inmates said they are never naked in full view of staff while changing clothes, showering or using the restroom. 100% of the interviewed inmates asserted that male staff conduct the strip searches and that only males conduct pat searches.

## **Standard 115.16: Inmates with disabilities and inmates who are limited English proficient**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.16 (a)**

- 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  No
- 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 blind or have low vision?  Yes  No
- 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  No

- 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  No
- 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  No
- 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  No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?  Yes  No
- 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  No
- 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  No
- 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  No
- 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  No

#### **115.16 (b)**

- 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  No
- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?  Yes  No

#### **115.16 (c)**

- 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  No

### **Auditor Overall Compliance Determination**

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The agency and the prison appear to be committed to ensuring inmates with disabilities, including inmates who are deaf/hard of hearing, blind or low vision, intellectually disabled, psychiatrically disabled or speech disabled have access to interpretive services that are provided expeditiously through professional interpretive services. This is affirmed through reviewing GDC Policy and Sumter County Correctional Institute Local Operating Procedures, interviewing the Warden, PREA Compliance Manager, Random and Specialized Staff, interviewed inmates and an interview with the Agency's American's with Disabilities Coordinator. The facility did not have any disabled inmates during the on-site audit period. This was confirmed through requesting and receiving from the Georgia Department of Corrections PREA Unit, the facility's disability report that documented there were no disabled inmates of any kind assigned to the Sumter CCI.

They also appear to be committed to ensuring inmates with limited English proficiency have access to interpretive services. These interpretive services may be accessible through a variety of statewide contracts that can be accessed by each GDC facility. Language Line Solutions, GDC Approved Bi-Lingual Staff, PREA Brochures in Spanish, Mental Health Counselors, GED and Literacy Remedial Instructors at the facility, and closed caption PREA Video are provided in an effort to ensure all inmates have access to and the ability to participate in the agency's efforts at prevention, detection, responding and reporting sexual abuse and sexual harassment. GDC Standard Operating Procedure, 103.63, Americans with Disabilities Act (ADA), Title II Provisions, in a 20-page policy, addresses how the agency makes available interpretive services to disabled, challenged, and limited English proficient inmates. The reviewed GDC Policy 208.06 and Sumter CCI Local Operating Procedures, 208.06, provide for PREA related information to be translated so that inmates can participate in the facility's efforts to prevent, detect, respond and report allegations of sexual abuse. There is a provision for emergencies in which an extended delay in obtaining an effective interpreter could compromise the

offender's safety, the performance of first responder duties or the investigation of the offender's allegation. The auditor reviewed multiple statewide contracts for interpretive services that are accessible by the county. Additionally, the facility has access to Language Line Solutions for professional interpretive services. This was confirmed through reviewing the agreement with Language Line.

The agency (GDC) has an Americans with Disabilities Coordinator who is responsible for overseeing and coordinating the agency's efforts to comply with the ADA requirements. The Coordinator works in direct collaboration with the State ADA Coordinator's Office and serves as an invaluable resource when a facility needs any type of interpretive service to ensure an inmate can fully participate in the agency and facility's prevention, detection, response and reporting program for sexual assault, sexual harassment and retaliation. Her position on the organizational chart is described as ADA/LEP (Limited English Proficiency) Coordinator. In addition to making staff aware of the statewide contracts for interpretive services, the ADA Coordinator is available to facilitate, for facilities, access to interpretive services. During a recent audit, a deaf inmate was selected to be interviewed. Requiring an interpreter who could "sign" the facility contacted the ADA Coordinator, who quickly arranged for a video interpreter and through the interpreter using American Sign Language, the inmate responded to all the questions asked by the auditor.

During the audit of a State Operated Prison the auditor learned of two inmates who reportedly were limited English proficient. One offender was from Belarus and the other from Poland. The auditor conducted a brief interview with the offender from Belarus who spoke English proficiently. When asked where he learned to speak English so well, he said he got a good public education in Belarus. The offender from Poland was unable to participate in the interview because he did not understand English or indicated he did not understand. The counselor who conducted his orientation stated that when she conducted the orientation, he spoke English. The auditor asked the facility Health Services Administrator to contact Language Line for interpretive services. The inmate indicated he understood PREA and knew how to report sexual abuse or sexual harassment if it happened to him. He also indicated to the interpreter that he was able to communicate with the offender from Belarus. Contacting Language Line was easy to accomplish, and it was accomplished expeditiously.

Interpreters on state contract must meet the professional qualifications required by the contract.

The ADA Coordinator has required each facility to designate an ADA Coordinator who can facilitate and expedite contact with the Statewide ADA Coordinator in securing interpretive services and work with her on any issues related to disabled inmate accommodations.

GDC Standard Operating Procedure 103.63, American's with Disabilities Act, B.2, indicates that inmates entering a Diagnostic Facility (Georgia Diagnostic State Prison and Coastal State Prison), will have an initial medical screening to determine any needs for immediate intervention. Efforts are made at the diagnostic facility to identify offenders who may be qualified individuals under the ADA. Additionally, a mental health screening and evaluation is conducted at a GDC Diagnostic Facility to determine the level of care needs. Policy requires that during the intake and diagnostic process, staff, including security, education, medical, mental health, parole and classification will ask offenders with hearing/visual disabilities their preferred way of communication during the first interaction in the intake/diagnostic process. That determination will prompt the intake/diagnostic staff to secure a Qualified Interpreter or use the Video Remote Interpreting for those with hearing impairments, a reader or other assistive technology, for those with visual impairments, or other specified preferred ways of

effective communication. The preferred way of communication will be used throughout the intake/diagnostic process and this information will be documented in the Department's Database.

When required, the ADA Coordinator will order live American Sign Language interpreting services. Policy requires the sending diagnostic facility to contact the receiving facility to ensure that necessary equipment or auxiliary aids are available, including "qualified interpreters". Qualified interpreters are defined as someone who can interpret effectively, accurately, and impartially, both receptively (understanding what the person with the disability is saying) and expressively (having the skill to convey the information back to the person) using any necessary specialized vocabulary.

In that same SOP, F. Effective Communication, paragraph a, requires that offenders with hearing and/or speech disabilities and offenders who wish to communicate with others who have disabilities will be provided access to a Telecommunications Device for the Deaf (TDD) or comparable equipment on the housing units. Public phones are required to have volume control for inmates with hearing impairments.

Auxiliary aids that include the following will be provided as a reasonable accommodation to offenders who qualify under ADA: Qualified Interpreters on site or through video remote interpreting services, note takers, real-time computer aided transcription services, written materials, exchange of written notes, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, voice, text, and video-based telecommunications, including text telephones (TTY), video phones, and closed caption phones or equally effective telecommunication devices.

The Prison also has an agreement with Language Line Solutions to provide interpretation services. Language Line can provide interpretation services over the phone, video remote and through on-site interpreting. Contract services, it affirms, also includes American Sign Language. The facility also has PREA documentation available for inmates and is in English and Spanish format. If interpretation is needed for any other language, the contracted translation service provided by Language Line include documentation translation.

GED Teachers/Literacy Remedial Teachers and staff are available to ensure that inmates with limited educational skills receive and understand how to access all the aspects of PREA, including prevention, detection, responding and reporting. Staff would read the PREA information to the inmate upon admission and additionally, PREA Education is provided through the PREA Video and orally to clarify any issues.

Offenders with mental issues can receive services of the mental health counselors at a GDC Facility located nearest the facility.

American Sign Language is available through Language Line Solutions.

**Policies and Documents Reviewed:** Georgia Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, A. Prevention Planning, Paragraph 6; GDC Standard Operating Procedures, 101.63, Americans with Disabilities Act (ADA), Title II Provisions; Contract with Language Line Solutions; Sumter County Correctional Institute Local Operating Procedures, 208.06; and PREA Brochures in English and Spanish; Instructions for Accessing Language Line; Georgia Department of Administrative Services Statewide Contracts for Provision of American Sign Language for Hearing; Agency Disability Report provided by the PREA Analyst; Limited English Proficient Plan (10/28/2018); Memos for the Warden Re: 208.06

**Interviews:** Warden; PREA Compliance Manager; Georgia Department of Corrections ADA Coordinator in a previous interview; Education Staff; Intake and Orientation Staff; Randomly selected staff (17); Specialized Staff (24); Randomly Selected Inmates (26); and 30 informally interviewed inmates.

**Observations:** Posting of PREA Brochures in English and Spanish; Previous Reviews of Statewide Contracts for Interpretive Services

**Policy and Document Review:** 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 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 inmate's allegation.

The facility has access to Language Line Solutions via a contract/agreement to provide interpretive services for disabled and limited English proficient inmates in making an allegation of sexual abuse.

The GDC provided Statewide Contracts (Georgia Department of Administrative Services) that provide access to interpreters for American Sign Language. Instructions for accessing these services are included.

The auditor reviewed the PREA Brochures in both Spanish and English. The PREA Video is also available in Spanish and in closed caption.

Georgia Department of Corrections facilities have a valuable resource when needing to access interpretive services. The agency ADA Coordinator has communicated information on how to access interpretive services via statewide contracts and when there is a need to secure an interpreter expeditiously, staff contact the ADA Coordinator who can expedite those services. While the ADA Coordinator is not responsible for county facilities, she would be available to suggest how the facilities might access any services not available to them through the statewide contracts. Each facility has an ADA Compliance Staff who can facilitate contact with the Statewide Coordinator in securing interpretive services.

The facility has GED teachers/Literacy Remedial teachers who can assist any literacy or cognitively challenged inmates in understanding the PREA information and how to report.

Counselors, including highly qualified mental health counselors in nearby GDC facilities can assist inmates with mental health issues. Language Line Solutions is available to staff working with limited English proficient offenders. American Sign Language is available on-site through a contract with Language Line Solutions including via video with a Language Line staff who is qualified in American Sign Language.

The Prison Rape Elimination Act pamphlet will be provided to the offender in Spanish.

The ADA Coordinator is ensuring that a local ADA Coordinator is being designated in each facility to be responsible for assisting with any ADA issue, including an inmate who is challenged by a disability that

might interfere with his/her ability to participate in the agency's sexual abuse prevention efforts.

**Discussion of Interviews:** The auditor conducted a previous telephone interview with the Agency ADA Coordinator. According to the Coordinator if the facility had a limited English proficient inmate needing translation services the facility has access to Language Line and if on-site interpreters were needed, she would arrange that. She also affirmed the availability of translators or interpreters for the hearing impaired via statewide contracts and indicated she would, if called, make the contacts to provide signing and any other translation services needed. When asked about the PREA Video being available in Spanish and with either closed caption or with a "signer" in the lower portion of the video, she indicated the agency has a contract for that video to be "redone" to provide the translations. The agency does have the PREA Video with closed caption.

Interviews with Seventeen (17) random staff, indicated that about half said they would use Language Line and about half indicated they would allow another inmate to interpret if the offender felt comfortable with another inmate interpreting. Most of the interviewed staff did not know how to access Language Line if they needed it.

## **Standard 115.17: Hiring and promotion decisions**

### **All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

#### **115.17 (a)**

- 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  No
- 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  No
- 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 question immediately above?  Yes  No
- 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  No
- 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  No
- 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 question immediately above?  Yes  No

**115.17 (b)**

- Does the agency 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?  Yes  No

**115.17 (c)**

- Before hiring new employees, who may have contact with inmates, does the agency: perform a criminal background records check?  Yes  No
- 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  No

**115.17 (d)**

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?  Yes  No

**115.17 (e)**

- 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  No

**115.17 (f)**

- 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  No
- 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  No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?  Yes  No

**115.17 (g)**

- Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?  Yes  No

## 115.17 (h)

- 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.)  Yes  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Georgia Department of Corrections, as required in policy, prohibits the hiring or promotion of anyone and enlisting the 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; who has 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; and the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the same activity. The Department considers any incidents of Sexual Harassment in determining whether to hire or promote anyone who may have contact with offenders. Sumter County CI Local Operating Procedures 208.06 requires that all potential employees or service providers are questioned in regard to prior histories that may involve PREA related concerns/issues prior to any hire/approval to provide service.

Material omissions regarding misconduct or providing materially false information will not be grounds for termination

Policy requires every employee, as a continuing affirmative duty to disclose any such misconduct.

Georgia Department of Corrections requires the following regarding the hiring and promotion process:  
1) Applicants responding to the PREA related questions asked of all applicants and documented on the Employment Verification Form; 2) Correctional applicants must pass a background check consisting of fingerprint checks, a check of the Georgia Crime Information Center and the National Crime Information Center; 3) Correctional Staff must pass an annual background check prior to going to the firing range

annually to maintain their Peace Officers Standards Training Certification (POST); all other staff must pass a background check consisting of the GCIC and NCIC annually.

Policy also requires before hiring new employees, who may have contact with inmates, the agency performs a thorough criminal background records check. These checks include a check of the Georgia Crime Information Center and the National Crime Information Center, as well as an initial fingerprint check for all security positions.

Additionally, unless prohibited by law, the Department will 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. GDC Complies with the Federal Privacy Act and Freedom of Information Act, and all other applicable laws, rules and regulations.

The County (Sumter) conducts the initial hiring process for employees of the Sumter County Correctional Institution. The auditor reviewed the following personnel files to determine if the applicants were asked the PREA related questions and had a background check prior to the hire date:

- (24) Newly Hired Staff
- (09) Regular Staff
- (10) Promoted Staff

Three (3) of the 24 files did not contain the PREA Questions. 100% of the reviewed files contained GCIC/NCIC Background Checks and documentation of Finger Print Checks. 100% of the promoted staff and regular staff files contained documentation of completed background checks. Initial background checks and five-year checks are conducted by the Sumter County Sheriff's Office.

Security staff are required to go to the firing range for weapons qualification annually to become recertified by the Georgia Peace Officers Standards Training Council. These background checks are conducted by the Deputy Warden of Security at the facility.

Human Resource (HR) Manager is well informed on Department of Corrections hiring processes and the requirements for background checks for newly hired staff, promoted staff, security staff, non-uniform staff, contractors, and volunteers. The described processes were consistent with GDC Policy and the PREA Standard and included the following”

GDC Policy requires background checks every year for uniform staff. Annual background checks are required for uniform staff to go to the firing range to maintain firearms qualification, as required for maintaining the officer's Peace Officer Standards Certification. All other employees and contractors with contact with inmates must have a background check every five years however the facility decided to conduct, according to the HR Manager, background checks of all employees annually to eliminate having to keep up with so many five-year dates.

**Policy and Documents Review:** 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; GDC Standard Operating Procedures 104.09, Filling a Vacancy; GDC Applicant Verification form; Form SOP IV00312, Attachment 1), to a Criminal Background Check and a Driver History Consent; “Georgia Department of Corrections, Professional Reference Check, IV003-

0001, Attachment 5; Georgia Department of Corrections Policy, Reviewed Applicant Verification Forms; Reviewed Background checks for Twenty-Four (24) Newly hired employees; Ten (10) Regular Employees; Ten (10) Promoted Staff.

**Interviews:** Warden; PREA Compliance Manager; Human Resources/Personnel Manager; (17) Randomly Selected Staff; Three (3) Contractors; One (1) Volunteer

**Policy Review:** 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. GDC 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 has been civilly or administratively adjudicated to have engaged in the activity described in the above. Too, 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 Questions, asking prospective applicants the three PREA Questions, is required. GDC Policy 104.09, Filling a Vacancy, Paragraph I. Hiring and Promotion, 3. Requires that before hiring anyone who may have contact with offenders, GDC will perform a criminal background 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 any allegation of sexual abuse. Verification of that check must be documented on the GDC Professional Reference Check.

Criminal History Record Checks are conducted on all employees prior to hire and every 5 years. Custody staff must qualify with their weapons annually and prior to that annual qualification another background check is conducted. Criminal History Record Checks are conducted prior to enlisting the services of any contractor who may have contact with inmates. Staff also have an affirmative duty to report and disclose any such misconduct. GDC Policy 208.06 requires in Paragraph e. that material omissions regarding misconduct or the provision of materially false information will be grounds for termination. The agency's PREA Coordinator requested, as a best practice, that the facilities conduct annual background checks of all employees to ensure that a five-year check did not fall through the cracks.

As part of the interview process potential employees and employees being promoted are asked about any prior histories that may have involved PREA related issues prior to hire and approval to provide services. Human Resources staff related that the PREA Questions are given to applicants and required to be completed.

GDC requires applicants to disclose any disciplinary history involving substantiated allegations of sexual abuse and goes on to tell the applicant that GDC requires supporting documentation must be obtained prior to the applicant being hired. Failure to disclose (omissions) that are material will result in the applicant not being considered.

The GDC requires that all corrections staff have an annual background check prior to going to the firing range, which is a requirement for corrections staff to maintain their certification as Correctional Officers through the Peace Officer's Standards Training council. Non-Uniformed staff are required to have a

background check every five (5) years, however the Warden and Human Resources Manager have determined that it is easier to background all employees annually than to try to keep up with all the different dates five-year checks would be due.

GDC policy requires applicants to disclose any disciplinary history involving substantiated allegations of sexual abuse

GDC Policy 208.06, Paragraph d, requires that unless prohibited by law, the Department will 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. A memo from the Warden affirmed that that information would be made available to potential employers.

If the employee violates an agency policy related to PREA, the employee will be subject to termination and prosecution.

## Standard 115.18: Upgrades to facilities and technologies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.18 (a)

- 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  No  NA

### 115.18 (b)

- 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  No  NA

### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard (Requires Corrective Action)**

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

In the past 12 months or since the last audit, the facility has not had any substantial expansions or modifications to the facility. Interviews with the Warden confirmed that he and his staff would be involved in developing plans to ensure sexual safety is taken into consideration in the planning process.

A memo from the Warden affirmed the following: "Any design, acquisition or planning of a new facility or any addition to Sumter County Correctional Institute will be done at the direction of the Warden and the administration of Sumter County. While plans are being made, the Warden will ensure the design protects offenders from sexual abuse."

A memo from the Warden indicated that 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 offenders from sexual abuse. Sumter County Correctional Institute, when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, considers how such technology may enhance the agency's ability to protect offenders from sexual abuse and when installing new equipment or making renovations, the Warden, Deputy Warden, Chief of Security, and the facility SART will ensure it is used to protect offenders from sexual abuse. Sumter County Correctional Institute, when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, considers how such technology may enhance Sumter County Correctional Institute's ability to protect offenders from sexual abuse.

During the on-site audit the facility was installing one camera in the blind spot around the corner from the cells in the segregation unit.

**Policy and Documents Reviewed:** Pre-Audit Questionnaire; Department of Corrections Policy 208.6, Prisons Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, A, Prevention Planning, Paragraph 8; Memo from Warden Re: 115.18.

**Interviews:** Warden, Deputy Warden, PREA Compliance Manager

**Observations:** None that were applicable to this standard.

**Policy Review:** 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.

**Discussion of Interviews:** An interview with the Warden, Deputy Warden and the PREA Compliance Manager confirmed that there were no expansions or modifications to the facility apart from lowering

some walls in the toilets for added security since the last PREA and that one camera is being installed to cover the blind spot around the corner in the segregation unit.

## RESPONSIVE PLANNING

### Standard 115.21: Evidence protocol and forensic medical examinations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.21 (a)

- 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  No  NA

#### 115.21 (b)

- 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  No  NA
- 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  No  NA

#### 115.21 (c)

- 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  No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFES) or Sexual Assault Nurse Examiners (SANEs) where possible?  Yes  No
- 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  No
- Has the agency documented its efforts to provide SAFES or SANEs?  Yes  No

#### 115.21 (d)

- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?  Yes  No
- 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?  Yes  No
- Has the agency documented its efforts to secure services from rape crisis centers?  Yes  No

#### 115.21 (e)

- 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  No
- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?  Yes  No

#### 115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating entity 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  No  NA

#### 115.21 (g)

- Auditor is not required to audit this provision.

#### 115.21 (h)

- 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 attempts to make a victim advocate from a rape crisis center available to victims per 115.21(d) above.]  Yes  No  NA

### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Georgia Department of Corrections, Office of Professional Standards Investigators (Special Agents) conduct investigations of allegations that appear to be criminal in nature for the Department. These investigators undergo extensive training in conducting investigations and are empowered to arrest staff or inmates. Office of Professional Standards Investigators and Office of Professional Standards Special Agents attend a police academy in addition to any departmental training they receive. In addition to the eleven (11) weeks of police academy training, Special Agents attend another 13 weeks or more investigation training at the Georgia Bureau of Investigations Academy. An interview a Special Agent, confirmed that they attend 11 weeks of Basic Mandate Training at a Police Academy. Training includes basic law enforcement. They also attend 11-13 weeks at the Georgia Bureau of Investigations Academy where they are trained in the investigation process, crime scene preservation, interviewing victims of sexual abuse, intelligence technology, and other investigative courses. He also related Special Agents attend a three-day class related to PREA Investigations.

Special Agents are dispatched out of their Regional Office and cover a specific area with specific facilities however they may go elsewhere upon direction or assignment by the Special Agent in Charge. There are three regions: North, Southeast and Southwest. In the Southwest a special agent has been essentially designated as a PREA Investigator for that region, although he may be assigned elsewhere too. The PREA Coordinator indicated that a part of her strategic planning is to have a PREA investigator in each region.

Investigators are trained to follow a uniform process. Georgia Department of Corrections Standard Operating Procedures, 103.10, Evidence Handling and Crime Scene Processing (thirteen pages), provides extensive guidance in evaluating a crime scene, examining a crime scene, still/video photography, crime scene sketches, handling and collecting evidence (and storage of evidence), digital evidence, latent prints, collection of known samples, crime scene documentation, submission of evidence, equipment requirements and record retention.

An interview with the PREA Special Agent from the Southwest Region confirmed a specific and thorough process for conducting the investigation and in collecting evidence. He indicated that once notified, if the area has been secured, he will come to the facility and process the cell or crime scene while waiting on the Sexual Assault Nurse Examiner to arrive. Processing, he indicated, includes taking photos, using the alternative light source, review video, listen to phone calls, ask permission for swabs and secure search warrants if they don't consent, He related he will interview the victim but not right away, in an effort to not re-victimize them. Additional potential evidence may be clothing to be processed by the Georgia Bureau of Investigation Crime Lab. The SANE conducts the forensic exam and turns the Rape Kit over to the Special Agent or to security in the absence of the Special Agent. The chain of custody begins, and the evidence may be secured in an evidence locker until it is turned over to the Special Agent who gets it to the crime lab for examination. He indicated as well that the GBI crime lab does not have a backlog of rape kits anymore so the turnaround time should be improved, enabling the investigation to proceed and conclude. (See 115.71 for more details about the investigation process)

Sexual Assault Response Team members are facility-based staff, composed generally of a facility-based investigator who has completed the National Institute of Corrections on-line course, "PREA: Conducting Sexual Abuse Investigations in Confinement Setting", a medical staff, counseling or mental health staff (one of whom may serve as a staff advocate), and often the retaliation monitor. Their role, in the event of an allegation that appeared to be criminal, is limited to ensuring the protection of the evidence and if an assault is alleged, getting the inmate medical attention immediately, all the while protecting evidence insofar as possible.

All inmate victims of sexual abuse are offered a forensic exam at no cost to the inmate/resident.

The Sexual Assault Nurse Examiners are contracted with the Georgia Department of Corrections to provide "on-site" forensic examinations. A memo from the Satilla Advocacy Center (headquarters for the SANEs) documented that they follow the National Protocol for Conducting Forensic Exams. Additionally, they provided a document entitled: "National Protocol for Sexual Assault Medical Forensic Examinations, 2<sup>nd</sup> Editions, Major Updates" summarizing the major categories of revisions made in the second edition of the National Protocol for Sexual Assault Medical Forensic Examinations. The revised protocol has the same emphasis and values as the original but are updated to reflect current technology and practice. The protocol offers recommendations to help standardize the quality of care for sexual assault victims and is based on the latest scientific evidence.

The Agency's "Procedure for SANE Nurse Evaluation/Forensic Collection provides a six-page document of instructions to follow in preparing for the forensic exam and for collecting evidence.

Upon learning of a sexual assault, the facility nurse is required to complete the Nursing Assessment Form for Alleged Sexual Assault. If the determination is that a possible sexual assault occurred, the Nurse completes the Plan portion of the form. This information documents notifying the Officer in Charge, SANE Nurse, and other notifications.

The facility has a SANE Call Roster providing contact information for Sexual Assault Nurse Examiners. Contact information is provided for three SANEs.

The facility nurse documents the following information on the Medical PREA Log:

- Inmate Name and GDC Number
- Date of Incident
- Reported within 72 hours
- Transported to ER?
- Date of Transport
- Method of Transport
- Inmate Consent Form Signed
- SANE Nurse Notified
- Date/Time
- Date Exam Scheduled
- Date Exam Completed
- Time Nurse Arrived
- SANE Nurse Conducting Exam
- Company of SANE Nurse
- Inmate Refusal/Recant?
- GDC Chain of Command for Rape Kit

- Date Accepted by Security

If an inmate refuses and exam or recants, the nurse completes another log, entitled, "Refusal/Recantment Medical PREA Log" documenting the refusal, recanting, and notifications to the SANEs.

Additionally, the SANEs follow Georgia Department of Corrections, 208.06, Procedure for SANE Evaluation/Forensic Collection covering the following:

- Initial Report of Sexual Abuse/Assault
- Collection of evidence by SANE Nurse on-site
- SANE Assessment/Forensic Collection
- Referrals for Mental Health Evaluation and Counseling
- Medical PREA Log and SANE Invoice

**Policy and Documents Reviewed:** GDC Policy, 208.6, Prison Rape Elimination Act Sexually Abusive Behavior Prevention and Intervention Program, B. Responsive Planning; GDC Standard Operating Procedure 508.22, Mental Health Management of Suspected Sexual Abuse or Sexual Harassment; Attachment 1, Medical Evaluation of Suspected Sexual Assault (Contract) with Attachment 1, Medical Evaluation of Suspected Sexual Assault; Memo from Warden documenting 115/21. Evidence Protocol and Forensic Examinations; Standard Operating Procedure 103.10 Evidence Handling and Crime Scene Processing and SOP 103.06, Investigations of Allegations of Sexual Contract, Sexual Abuse, Sexual Harassment of Offenders; GDC Policy VH07-001 Health Services, E., Medical Services Deemed Necessary Exempt from Fee; SANE Nurse Call Roster; Medical PREA Log; Sexual Assault Nurse Examiner's; IK01-0005; MOU with the Sexual Assault Support Center; National Protocol for Sexual Assault Medical Forensic Examinations, 2<sup>nd</sup> Edition, Major Updates"; Email from Satilla Advocacy confirming Following the National Protocol for Evidence Collection; Procedure for SANE Nurse Evaluation/Forensic Collection

**Interviews:** Commissioner; Warden; PREA Compliance Manager; Lead Nurse; Sexual Assault Response Team Members; Facility Based Investigator, Previous Interviews with two (2) SANEs from Satilla Advocacy; Rape Crisis Center Staff ; Seventeen (17) Randomly selected staff; Twenty-Four (24) Specialized Staff; Interviews with Twenty-Six (26) Inmates; One (1) Office of Professional Standards Investigators assigned to the prison; One Office of Professional Standards Investigators working out of Smith State Prison who was on-site; One (1) Special Agent. (previous interview)

**Discussion of Policy and Document Review:** GDC Policy, 208.6, Prison Rape Elimination Act Sexually Abusive Behavior Prevention and Intervention Program, B. Responsive Planning, 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 proceedings and criminal prosecutions. GDCs response to sexual assault follows the US Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" dated April 2013, or the most current version. 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 protocol initiated. The Satilla Advocacy Center documented they follow a National Protocol for the Collection of

Forensic Evidence and the National Protocol for Sexual Assault Medical Forensic Examinations, 2<sup>nd</sup> Edition, Major Updates.

The GDC Policy, IK-005, Crime Scene Preservation, establishes the agency's policy on evidence collections and protecting the crime scene. Policy requires that one of the first responsibilities at a crime scene is to prevent the destruction or contamination of evidence. Staff are required to initiate security measures to prevent unauthorized persons from entering the crime scene and not to touch anything or disturb anything. Instructions for maintaining the chain of possession of evidence is discussed

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. The facility provided a Memo from the Health Services Administrator confirming inmates are not charged for forensic exams. The facility has also issued a local operating procedure essentially documenting the facility's coordinated response to an allegation of sexual abuse.

Investigations are initiated when the Sexual Assault Response Team Leader is notified of an actual or allegation of sexual assault/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 and Duty Officer and the Warden contacts the Regional Office who will assign an Office of Professional Standards (OPS) Investigator (Special Agent) 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 Warden/Designee uses the Sexual Assault Nurse Examiner's List and contacts them to arrange the exam.

There was one allegation of sexual assault with penetration during the past 12 months. The inmate was taken to the Lily Pad SANE Center where a forensic exam was conducted. This was confirmed through reviewing the monthly PREA reports, Investigation Packages; reviewed grievances and incident reports, and interviews with the Warden, PREA Compliance Manager, and medical staff. Documentation was provided on the SANE Medical Log and in the investigation package.

GDC Policy also requires the PREA Compliance Manager to attempt to enter into an agreement with a rape crisis center to make available a victim advocate to accompany and provide emotional support for inmates being evaluated for the collection of forensic evidence. The facility provided documentation to confirm a MOU with the Lily Pad SANE Center in Albany, Georgia for the provision of advocacy services for any inmate victim of sexual abuse. The Center also mans a hotline 24/7 enabling anyone to contact them regarding any issues of sexual abuse.

GDC Policy 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).

The facility has a Memorandum of Understanding with the Lilly Pad SANE Center who agreed to provide an advocate to accompany an inmate through the forensic process and exam and in any

investigative interviews providing emotional support. The facility also has a qualified staff advocate who has completed on line training for advocates. This was confirmed by reviewing the Certificate documenting the online training to become a Victim Advocate.

**Discussion of Interviews:** The interview with the Special Agent who serves in the Southwest Region as the PREA Investigator described the organizational structure of the Office of Professional Standards, Investigation Units and the evidence collection process. He supported the PREA Coordinator in wanting to request PREA Investigators because he said an individual agent may conduct a PREA Investigation but, like anything else, the more you do the more competent with that type of investigation one can become. He indicated having a specialized investigator makes sense. The facility-based investigator has completed the NIC On-Line Training, "PREA: Investigating Sexual Abuse in a Confinement Setting". He described the process for conducting investigations and indicated that once he was informed of an allegation, he would make sure all the SART members were notified and initiate the investigation. The process would include interviewing the alleged victim and alleged perpetrator as well as any witnesses, review any video footage, review any documentation including things like shift rosters and log books. Interviews with two (2) Office of Professional Standards Investigators also confirmed the investigation process, including evidence collection.

An interview with a SANE who is contracted to perform Sexual Assault Forensic Exams for the Georgia Department of Corrections, confirmed the process for conducting a forensic exam. She follows a uniform protocol for conducting those exams. An interview with a Special Agent confirmed the investigative process when an incident at the facility appears to be criminal. Special Agents, he indicated, complete 13 weeks of training by the Georgia Bureau of Investigation. An interview an advocate and the Executive Director of the Rape Crisis Center of the Coastal Empire confirmed their agreement and ability to provide an advocate 24/7 to accompany the inmate providing emotional support services, during the forensic exams and investigative interviews and to provide the inmates with the 24/7 hotline enabling them to talk with an advocate if they needed to. The Executive Director indicated she and her staff would like to provide prevention classes and other classes or groups in the prisons if that could be arranged.

Interviews with the Lead Nurse confirmed their roles in responding to an allegation of sexual abuse as well as the process for contacting the contracted Sexual Assault Nurse Examiner. Medical's role is to conduct a visual exam and protect the evidence while awaiting a forensic exam by a SANE. Decisions are made consistent with good clinical judgment.

## **Standard 115.22: Policies to ensure referrals of allegations for investigations**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.22 (a)**

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?  Yes  No

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?  Yes  No

#### 115.22 (b)

- 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  No
- Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?  Yes  No
- Does the agency document all such referrals?  Yes  No

#### 115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does such publication 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).]  Yes  No  NA

#### 115.22 (d)

- Auditor is not required to audit this provision.

#### 115.22 (e)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Georgia Department of Corrections Policy (208.06) requires that all reports of sexual abuse and sexual harassment will be considered allegations and will be investigated. That included any sexual

behavior that was observed, that staff have knowledge of, or have received a report about, including suspicions. The Sumter Local Operating Procedure 208.06 requires that any reports, direct, indirect, third party, received involving sexual abuse or sexual harassment, will be investigated by the Sexual Assault Response Team (SART) to determine if an incident meets the minimum criteria under the guidelines established by the PREA. The LOP requires the incident be reviewed promptly, thoroughly, and objectively. If the minimum criteria are met, the allegations will be reported to the GDC.

Interviewed staff acknowledged that regardless of the source of the allegation, the allegation is reported and referred for investigation. If an allegation appears criminal in nature it is referred to the Department's Office of Professional Standards Investigator who is a Special Agent, trained extensively in conducting investigations and who has the power to effect an arrest of staff or inmates. Staff acknowledged that they understood that failing to report would result in disciplinary action up to and including dismissal.

Another GDC Policy, 1K01-0006, Investigation of Allegations of Sexual Contact, Sexual Abuse, and Sexual Harassment of Offenders, asserts it is the policy of the GDC 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.

The Sumter County Correctional Institute, Page 15, Local Operating Procedures, 208.06, states that the facility follows the standards set forth by the Georgia Department of Corrections in policy 208.06. It also asserts that it follows the Section entitled. "A National Protocol for Sexual Assault Medical Forensic Examinations, Adult/Adolescents". The LOP requires the Warden to immediately ensure an investigation is referred to the GDC "Internal Investigations Unit (Office of Professional Standards) and any referrals to outside law enforcement agencies will be made with the cooperation of the OPS Unit.

The Agency's PREA Investigation Protocol (Effective June 15, 2016) requires that every allegation (sexual abuse and sexual harassment) must be referred immediately to the local Sexual Assault Response Team with the local SART protocol initiated and investigations handled promptly, thoroughly, and objectively, incident notification made to the GDC PREA Coordinator within 24 hours of initiating the SART Investigation.

The Georgia Department of Corrections (GDC) has established Sexual Assault Response Teams (SART) in each of the GDC facilities and programs and the SART, according to policy, is responsible for the administrative investigation into all allegations of sexual abuse or sexual harassment. Valdosta State Prison has a Sexual Assault Response Team that is responsible for conducting the initial sexual abuse investigations and sexual harassment investigations. The SART Facility Based Investigator is required to complete the National Institute of Corrections Specialized Training (online) entitled: "PREA: Investigating Sexual Abuse Investigations in Confinement Settings." The SART is made up of a facility-based investigator, a nurse, a counselor, and a staff advocate. The SART's role is to conduct an initial investigation into the allegation.

If an allegation appears to be criminal in nature, the SART will notify the Shift Supervisor and Warden who will contact the applicable Regional Office. The Regional Office's Special Agent in Charge will then appoint or designate an Office of Professional Standards Investigator, a Special Agent, who has extensive investigative training through the Georgia Bureau of Investigation, to conduct the criminal investigation. Special Agents have been empowered to effect an arrest if necessary. They also work with the local District Attorney and recommend criminal charges when the evidence warrants it.

Additionally, other Office of Professional Standards Investigators, who have completed mandate Law Enforcement Training and are empowered to arrest, are stationed in various facilities throughout the state. Their primary roles are related to gang activity and contraband, however they too, may be called on to conduct an investigation.

If an allegation is criminal, the SART may conduct the administrative investigation, parallel with the Special Agent or Office of Professional Standards Investigator, including allegations of sexual harassment. Staff misconduct is investigated by the Office of Professional Standards Special Agent.

All investigations are documented and maintained. Investigations conducted by the Sexual Assault Response Team are entered into the GDC's data base and are reviewed by the PREA Unit and must be approved by them prior to the investigation being finalized and closed in the system.

The agency's website is replete with information related to PREA. A section entitled: "Department Response to Sexual Assault or Misconduct Allegations" asserts that employees have a duty to report all rumors and allegations of sexual assault and sexual misconduct through the chain of command. Another paragraph, "Investigations of Sexual Assault and Misconduct" states that the GDC is dedicated to producing quality investigations of alleged sexual assaults and sexual misconduct incidents. A separate section, "How do I Report Sexual Abuse or Sexual Harassment?" affirms the GDC investigates all allegations of sexual abuse and sexual harassment promptly, thoroughly, and objectively. Multiple ways to report are then identified and contact information is provided.

**Policy and Documents Review:** GDC Policy, 208.6, Prison Rape Elimination Act; GDC Standard Operating Procedure, IK01-0006, Investigation of Allegations of Sexual Contact, Sexual Abuse and Sexual Harassment; IK01-005, Crime Scene Preservation; Sumter County CI Local Operating Procedures, 208.06; Pre-Audit Questionnaire; PREA Investigation Summary; Notification of Results of Investigation; NIC Certificates (National Institute of Corrections, PREA: Investigating Sexual Abuse in Confinement Settings); Georgia Department of Corrections Website; Reviewed investigation reports

**Interviews:** 17 Randomly selected and 24 special category staff; informally interviewed staff during the audit; 26 Inmates

**Discussion of Policy and Documents Reviewed:** 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. Allegations that involve potentially criminal behavior will be referred for investigation to 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 Response 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 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 SC 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.

GDC Standard Operating Procedure, IK01-0006, 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, contactors, 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.

This policy also affirms the "Internal Investigations Unit" (now Office of Professional Standards) will investigate allegations of sexual contact, sexual abuse, 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 even if the employee resigns during an investigation. The time limit for completing investigations is 45 days from the assignment of the case.

The auditor conducted an interview with an OPS Special Agent and an interview with a facility based Sexual Assault Response Team Investigator. The Special Agent stated investigators must complete between 11-13 weeks of training provided by the Georgia Bureau of Investigations and this is in addition to mandate law enforcement training which is 11 weeks.

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 staff advocate, and a medical staff. Upon receiving the complaint, the investigator initiates the investigation process.

An interview with the facility-based investigator indicated that he has completed the on-line NIC Specialized Training: PREA: Conducting Sexual Abuse Investigations in Confinement Settings. In the interview the investigator described the investigative process and indicated that all allegations are treated the same and are investigated the same regardless of where the allegation came from and the

evidence collected, including taking witness statements from the alleged victim and alleged perpetrator as well as any witnesses to the alleged incident. The credibility of the resident or staff would be based solely on the evidence.

If, upon receiving an allegation or report of sexual abuse, the preliminary evidence indicates, or it is obvious that a criminal act is likely to have occurred, notifications are made up to the Duty Officer and Warden, who then make contact with the Regional Office Special Agent in Charge who will dispatch an OPS PREA Investigator or another OPS Investigator who is available. The role of the facility-based investigator then is to support the OPS investigator in any way possible.

Interviews with SART Members indicated they would notify the inmate the results of the investigation and they would use the Georgia Department of Corrections Notification Form and are familiar with the requirements of policy related to notification to the inmate.

The agency's investigation policy is provided via the agency website and are provided information on how to report any PREA related allegation or complaint on line.

**Discussion of Interviews:** Interviews with Sixteen (16) Randomly selected staff and Twenty-Four (24) Specialized Staff indicated that staff are required to report all allegations of sexual abuse or sexual harassment, including suspicions, reports, knowledge or allegations. They said they are required to report immediately to their immediate supervisor and when asked about having to document the report they indicated they would be required to complete a written statement, or an incident report completed prior to the end of their shift. Also, when asked, they confirmed they also would accept any report from any source and treat it seriously, reporting it just as any other report or allegation. Most of the staff stated the Sexual Assault Response Team is responsible for conducting sexual abuse investigations. An interview with the SART Leader confirmed they are very knowledgeable of the investigation process and reviewed investigation packages indicated a thorough process.

Twenty- Six (26) randomly selected inmates and (30) informally interviewed during the site review and during the on-site audit period knew ways to report sexual abuse and sexual harassment.

## TRAINING AND EDUCATION

### Standard 115.31: Employee training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?  Yes  No
- 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  No
- 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  No

- 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  No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?  Yes  No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?  Yes  No
- 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  No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?  Yes  No
- 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  No
- 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  No

#### **115.31 (b)**

- Is such training tailored to the gender of the inmates at the employee's facility?  Yes  No
- 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  No

#### **115.31 (c)**

- Have all current employees who may have contact with inmates received such training?  Yes  No
- 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  No
- 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  No

#### **115.31 (d)**

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?  Yes  No

## Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Georgia Department of Corrections Policy 208.06 requires that staff are trained in the following:

- Department's Zero Tolerance Policy for Sexual Abuse and Sexual Harassment
- How to fulfill staff responsibilities under the Department's Sexual Abuse and Sexual Harassment
- Prevention, detection, reporting and response policies and procedures
- Offender's right to be free from Sexual Abuse and Sexual Harassment
- Right of offenders 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 offenders
- How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, Transgender, Intersex; or Gender nonconforming
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside entities.

The reviewed lesson plan for annual in-service covers the required training topics.

The reviewed Sumter County Correctional Institution Local Operating Procedures, 208.06, Training for Employees, asserts that all employees will receive information related to this policy in the following areas:

- The Institution's Zero Tolerance Policy
- How employees fulfill their responsibilities under the institution's sexual misconduct, prevention, detection, reporting and response policies and procedures
- Offender's right to be free from sexual misconduct
- Offender's right to be free from retaliation when reporting sexual misconduct
- The common reactions of sexual misconduct in victims
- How to detect and respond to signs of sexual misconduct in victims
- How to detect and respond to signs of threatened and actual sexual misconduct

- How to avoid inappropriate relationships with offenders
- The dynamics of sexual abuse and sexual harassment in confinement
- Consent is never a legal defense, there is no consensual sex in a custodial and supervisory relationship

This Local Operating Procedure also requires the staff who transfer to Sumter County CI from a female facility will receive training from the management team to orient them to their new job at the male facility.

Interviews with staff and contractors confirmed 100% of them had completed PREA Training covering all the topics required by GDC Policy and the PREA Standards. During staff interviews, staff are asked to review the topics outlined on the questionnaire and to explain where and how they received that training. Staff confirmed having been trained in all those topics as both new employees and at annual in-service training.

Staff indicated they receive a block of during pre-service orientation as newly hired employees, orientation, at Basic Correctional Officers Training, at Annual In-Service Training and through on-line training including the required National Institute of Corrections course, "Communicating Effectively and Efficiently with LGBTI Offenders".

Staff training was confirmed through reviewing the following:

- (6) Training Rosters documenting 87 signatures representing Day 1, In-Service Training 2019
- (4) Training Rosters documented 84 staff signatures representing Day 1, Annual In-Service Training 2018
- (4) Training Rosters documenting 41 signatures representing Day 1, Annual In-Service Training 2017
- (5) Training Rosters documenting 60 signatures representing Day 1, Annual In-Service Training 2016
- (49) Certificates documenting the NIC Training, "Communicating Effectively and Professionally with LGBTI Offenders"

Specialized Training documentation will be discussed in 115.34 and 115.35

Following Basic Correctional Officers Training (BCOT), all staff and contractors are required to complete Annual In-Service Training. Day 1 that includes PREA training. The reviewed agency's developed curriculum for 2018 Annual In-Service Training includes the following:

- Zero Tolerance
- Definitions
- Staff Prevention Responsibilities
- Offender Prevention Responsibilities
- Detection and Prevention Responsibilities
- Reporting Responsibilities
- Coordinated Response (Including First Responder Duties)
- Mandatory Reporting Laws (Official Code of Georgia)
- Inmate Education
- Retaliation
- Dynamics in Confinement
- Victimization Characteristics

- Warning Signs
- Avoiding Inappropriate Relationships with Inmates
- Communicating with Offenders
- Acknowledging LGBTI Offenders
- Search Procedures
- PREA Video
- PREA Training and Forms
- Enabling Objectives

GDC Policy also in Paragraph 1.b, requires that in-service training will include gender specific reference and training to staff as it relates to a specific population supervised and that staff who transfer into a facility of different gender from prior institution are required to receive gender-appropriate training.

The agency provides training for PREA Compliance Managers once or twice a year. They also provide training for the Sexual Assault Response Teams at least twice a year.

The Agency's PREA Coordinator and the Assistant PREA Coordinator completed the Train the Trainer Advocacy Training provided by the Moss Group to enable them to train designated facility staff to serve as facility-based advocates.

**Policy and Document Review:** Georgia DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, C. Training and Education; Sumter County Correctional Institute Local Operating Procedures, 208.06; Reviewed 2018 Lesson Plan for PREA; Reviewed Power Point Presentation for Annual Inservice Training: Training Rosters documenting Annual In-Service Training for 2016, 2017, 2018, and 2019; (49) Reviewed Certificates documenting Specialized Training, "Communicating Effectively and Professionally with LGBTI Offenders"; Reviewed Personnel files containing PREA Acknowledgment Statements; Previous Rosters documenting Sexual Assault Response Team Training; PREA Acknowledgment Statements

**Interviews:** Warden; PREA Compliance Manager; Agency PREA Coordinator (Previous Interview); Assistant PREA Coordinator (Previous Interview); 17 Randomly selected staff, 24 Special Category Staff.

**Observations:** None applicable for this audit.

**Discussion of Policies and Documents:** Georgia DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive 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, inmate's 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-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 Pre-Service Orientation. Staff also receive annual in-service training that includes a segment on PREA. In-service training considers the gender of the inmate population.

The facility provided the training curriculum covering the topics required by the PREA Standards and more.

The Sumter County Correctional Institute Local Operating Procedures, 208.06, requires training in all the topics required by GDC Policy and the PREA Standards.

The auditor reviewed multiple training rosters as described earlier, documenting Day 1, Annual In-Service Training, 2016, 2017, 2018, 2019 and 40 PREA Acknowledgment Statements.

Reviewed personnel files representing Newly Hired Staff, Promoted Staff and Regular Staff all contained PREA Acknowledgment Statements indicating staff are PREA. These statements 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, Sexually Abusive Behavior Prevention and Intervention Program. They 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, which is a felony punishable by imprisonment of not less than one nor more, than 25 years, a fine of \$100,000 or both.

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

PREA Related posters are prolific and posted in numerous locations throughout this facility and in this facility the posters and notices are posted strategically throughout the facility and in each living unit. Posters are also posted in administrative segregation and disciplinary isolation.

The investigator on the SART completed the specialized training for investigators through the National Institute of Corrections training, "Investigating Sexual Abuse in Confinement Settings". Additionally, the SART receives training in their roles in response to a sexual assault at least semi-annually. The auditor reviewed multiple certificates confirming the specialized training.

All staff are required to complete the on-line training Communicating Effectively and Professionally with LGBTI Offenders. Reviewed Certificates of Training (49) documented the training provided by the National Institute of Corrections and all interviewed staff stated they must complete the on-line NIC training, "Communicating Effectively and Professionally with LGBTI Offenders".

**Discussion of Interviews:** Interviewed staff stated they received their initial PREA Training during pre-service training, prior to their attending Basic Correctional Officer Training at the Georgia Department of Corrections Academy. Staff confirmed they receive PREA Training annually during annual in-service training on Day 1. Each staff member interviewed reviewed each of the required training topics and confirmed they had been trained in Annual In-Service on each of those topics. They also indicated, in their interviews, that they receive PREA training as newly hired employees both at the facility and at the academy (BCOT). They stated they then receive PREA Training during annual in-service and that sometimes that training is in a class and sometimes on-line. They also indicated they receive information on various topics during shift briefings.

Interviewed staff were knowledgeable of the facility's zero tolerance for all forms of sexual abuse, sexual harassment and retaliation. Staff were specifically asked if they had received PREA training in each of the identified PREA Standards training topics, 100% reviewed the topics and said they were

trained in each of the topics and that training was provided during annual in-service training. Staff reported they are trained to take everything seriously and report everything and even a suspicion. They stated they would take a report made verbally, in writing, anonymously and through third parties and they would report these immediately to their shift supervisor and follow-up with a written statement or incident report before they left the shift. Staff explained their roles as first responders. This included both uniform and non-uniform staff. Non-Uniform staff articulated the role and steps of the first responder just like the uniformed staff. If an inmate reported being at risk of imminent sexual abuse staff stated, they would act immediately and remove the inmate from the threat and report it to their immediate supervisor. 100% of the interviewed staff affirmed they took the online NIC Training, "Communicating Effectively and Professionally with LGBTI Offenders". SART members confirmed they attend SART training once or twice a year.

## Standard 115.32: Volunteer and contractor training

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.32 (a)

- 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  No

### 115.32 (b)

- 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  No

### 115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Sumter County Correctional Institute Local Operating Procedures (LOP), 208.06, Training for Volunteers and Contractors require that volunteer and contractors who have contact with an offender receive information regarding the institution policy, prohibited conduct, prevention, detection, response, and reporting of sexual misconduct prior to assuming responsibilities that include contact with offenders. The LOP asserts that the training for volunteers and contractors is tailored to reflect the extent of time and access they have to offenders. Training is required to be documented and maintained by the Deputy Warden of Security.

GDC Volunteers often provide their services in more than one prison or Georgia Department of Corrections (GDC) facilities and programs. Entrance into the facilities is granted with a valid and current Volunteer Identification Badge. Because of that issue and to achieve more consistency in training, rather than have each facility train them, training for volunteers is now provided by the state office Volunteer Coordinator's Office to ensure consistency in training. If the prison has a large number of prospective volunteers, the state office may opt to conduct the training at a centralized location rather than require the volunteers to come to Forsyth, Georgia for the training. This unit, according to the Statewide Volunteer Coordinator, also conducts the background checks of anyone interested in becoming a volunteer. Interviews with the State Director of Chaplaincy Services and the State Director of Volunteer Services indicated to the auditor, that if a volunteer shows up at the facility and possesses a valid and non-expired identification badge, the volunteer has completed the required PREA Training and has successfully completed a background check. If, a badge had expired, the Directors, informed the auditor that they volunteer would have to go back through 4 hours of orientation training once again and undergo another background check. They also indicated the Chaplain at each facility must keep the volunteer records on file at the facility. When asked if one fell through the cracks who will be held responsible, the Director of Volunteer Services informed the auditor that the local Chaplain is responsible for all volunteers coming into his/her facility.

Statewide volunteer services are directed and coordinated by the statewide Director of Chaplaincy Services and Statewide Volunteer Coordinator, both full time positions in the state office. Volunteer Services are coordinated in the prisons by the Chaplain who is assigned to each prison. After a volunteer signs up for the volunteer training, the training will be conducted at the next training session that may be 3-4 weeks later. In between the background checks are being conducted. Training last about 3-4 hours and includes the following:

- Zero Tolerance
- Defining the Prison Rape Elimination Act
- Identifying Staff Awareness
- Discussion of the Dynamics of Sexual Abuse and Sexual Harassment
- Prevention and Reporting Procedures
- Sanctions

Contract staff, on the other hand, unlike volunteers, are required to attend the same Annual In-Service Training that all staff attend. Contract staff stated, in their interviews that they attend Day 1 Annual In-Service Training.

The auditor reviewed 20 forms for contractors and 4 for volunteers entitled "Employee Awareness and Education Brochure". This form acknowledges, by the contractor and volunteer's signature, that the contractor or volunteer has received the employee awareness and education brochure, Georgia Department of Corrections Staff Guide on the Prevention and Reporting of Sexual Misconduct with Offenders and the he/she understands the Department has a zero tolerance policy with regard to staff sexual misconduct and inappropriate staff offender relationships and the duty to report immediately any findings in which offenders are having sexual relationships with other offenders or staff. In addition to this acknowledgment, they acknowledge the GDC Sexual Assault/Sexual Misconduct PREA Training Acknowledgment Statement for Visitors/Contractors/Volunteers. This acknowledgment affirms understanding the Department has a zero-tolerance policy prohibiting visitors, contractors, and volunteers from having sexual contact of any nature with offenders. The acknowledgment requires them to report anything they witness or if anyone reports it to them. Contractors and Volunteers also acknowledge they will be permanently banned from entering all GDC correctional institutions and that the GDC may pursue criminal prosecution. The auditor reviewed 40 acknowledgment statements for contractors and volunteers.

Medical Staff and Food Service Staff, both contracted service providers, attend the same Day 1 Annual In-Service Training that all employees receive.

**Policy and Documents Reviewed:** GDC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 3, Volunteer and Contractor Training; Sumter County Correctional Institute Local Operating Procedures, 208.06; GDC Standard Operating Procedure Local Management of Volunteer Services; Previously Reviewed Power Point for Training; Contractor and Volunteer PREA Acknowledgement Statements;

**Interviews:** Warden; PREA Compliance Manager; Contracted Employees, State Director of Chaplaincy Services; Statewide Volunteer Coordinator; Volunteer providing religious programming at Sumter CCI

**Observations:** There were no volunteer activities during the on-site audit period.

**Discussion of Policies and Documents that were reviewed:** GDC 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. Training for volunteers is provided at the state office now. Contractors receive training at the facility and attend departmental annual in-service training like all other employees. Everything, according to the Facility-Based staff, is done at the state office and occasionally at a specified location. Upon a successful background check and completed training requirements, the facility Volunteer Badge. The agency volunteers often volunteer in multiple prisons and that is the reason for the state office training. Too it provides consistency in the training provided. Once the facility issues a "Badge" the volunteer or contractor is authorized to enter a facility. The badge

is required to be renewed annually. Badges have expiration dates and must be checked by the portal sergeant checking visitors and staff into the facility.

A memo from the GDC Transitional Services Coordinator explained to Wardens that volunteers who participate in the volunteer training at the state office receive initial PREA training and have a background check completed. In the training, the Coordinator, asserted volunteer training includes: 1) zero-tolerance for sexual abuse and sexual harassment; 2) How to fulfill their responsibilities under agency sexual and sexual harassment prevention, detection, reporting and response policies and procedures; 3) The dynamics of sexual abuse and sexual harassment and common reactions of sexual abuse and sexual harassment victims; 4) Detecting and respond to signs of sexual abuse; and 5) How to avoid inappropriate relationships with inmates.

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 Acknowledgment Statement.

The auditor reviewed a total of 20 Employee Awareness Statements and 40 PREA Acknowledgement Statements for contractors and volunteers. The GDC Acknowledgment Statements are for supervised visitors/contractors/volunteers. It acknowledges that they understand the agency has a zero-tolerance policy prohibiting visitors, contractors, and volunteers from having sexual contact of any nature with offenders. They agree not to engage in sexual contact with any offender while visiting a correctional institution and if they witnessed another having sexual contact with an offender or if someone reported it to the contractor/volunteer he/she agrees to report it to a corrections employee. They acknowledge, as well, the disciplinary action, including the possibility for criminal prosecution, if they violate the agreement. The Acknowledgment Statement for Unsupervised Contractors and Volunteers acknowledges training on the zero-tolerance policy and that they have read the agency's PREA Policy (208.06). They acknowledge they are not to engage in any behavior of a sexual nature with an offender and to report to a nearby supervisor if they witness such contact or if someone reports such conduct to them. They acknowledge the potential disciplinary actions and/or consequences for violating policy.

Volunteers attending training at the State Office complete an orientation that includes the following:

- NCIC Consent Form (for conducting the required background checks)
- Sexual Assault/Sexual Misconduct Acknowledgment Statement for Supervised Visitors/Contractors/Volunteers – acknowledging zero tolerance, duty to report, and an acknowledgment that entry into the facility is based on the volunteer's agreement not to engage in any sexual conduct of any nature with any offender and to report such conduct when learned. The Volunteer acknowledges that the consequences for failing to report or violating the agreement will result in being permanently banned for entering all GDC facilities and that GDC may pursue criminal prosecution.

Contractors complete the same training that staff are required to complete.

The interviewed volunteer stated he has received PREA information and understands the zero tolerance policy and how to report and the mandate that he report anything he sees or is reported to him and that he reports it to the first staff, or correctional staff he sees following receiving the information.

Interviewed contractors confirmed they attend the same annual in-service training as Georgia Department of Corrections Employees. They also confirmed receiving the NIC, LGBTI training. An interviewed volunteer stated he had been trained on the facility's zero tolerance policy, that he had also been trained to report anything he became aware of. He stated he would report it to the first correctional officer he saw. The interviewed volunteer affirmed he had a completed background check and was informed about the zero-tolerance policy as well as how to report and to whom to report

## **Standard 115.33: Inmate education**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.33 (a)**

- During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?  Yes  No
- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?  Yes  No

### **115.33 (b)**

- 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  No
- 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  No
- 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  No

### **115.33 (c)**

- Have all inmates received such education?  Yes  No
- 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  No

### **115.33 (d)**

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?  Yes  No
- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?  Yes  No

- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?  Yes  No
- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?  Yes  No
- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?  Yes  No

#### 115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions?  Yes  No

#### 115.33 (f)

- 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  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Georgia Department of Corrections (GDC) Policy requires that incoming inmates, during intake, are provided notification of the GDC's zero-tolerance policy for sexual abuse and harassment and information on how to report an allegation is provided to the inmate upon arrival at the facility. In addition to the verbal notification, offenders will be given a GDC PREA Pamphlet. Staff at the Back Gate, where newly arriving inmates are processed, indicated they inform the inmate of zero tolerance and how to report.

The Sumter County CI Local Operating Procedure 208.06, Offender Education, requires that offenders, upon intake are to receive both verbal and written information about sexual misconduct. This information, according to the LOP includes the following:

- Sumter County Correctional Institution's zero tolerance for sexual misconduct
- What constitutes sexual misconduct
- The Sumter County Correctional Institution's program for prevention of sexual misconduct
- Methods of self-protection
- How to report sexual misconduct and retaliation
- Protection from retaliation
- Treatment and Counseling

The LOP then requires that within ten (10) days of their initial orientation, offenders will receive education regarding their rights to be free from sexual abuse, sexual harassment, and to be free from retaliation for reporting such incidents. Documentation of the offender's participation in PREA Education Classes I maintained in the offender's institutional file.

Upon admission, offenders are provided information on the zero-tolerance policy and how to report and the following acknowledgement statement is signed acknowledging the information having been given to the offender. The inmate is given a PREA Brochure and explained zero tolerance and how to report. The acknowledgement statement affirms that the inmate has received the offender awareness and education brochure, "Georgia Department of Corrections, Sexual Assault/Harassment Prison Rape Elimination Act and that they understand how to report allegations of sexual abuse and sexual harassment.

The auditor reviewed 30 offender files. Twenty-Seven (27) of the Thirty (30) files contained signed and dated Offender Awareness Acknowledgments documenting the offender received the PREA related information the same day as admission. An additional ten (10) were asked for and provided documenting the same.

Twenty-Five (25) of Twenty-Seven (27) Interviewed inmates confirmed they received PREA Information "off the bus". "Off the Bus" refers to an offender just arriving and going into intake for processing. One of the offenders out of the Twenty-Seven (27) stated he did not get information "off the bus". One said he did not recall if he did or did not. Twenty-Three (23) of the inmates said they received information verbally, two could not remember and one said he did not receive information verbally "off the bus". Twenty-Four (24) said they were told to read the brochure and three (3) said they were not told to read the brochure. Eighteen (18) said the staff explained the PREA Brochure, six (6) said staff did not explain and three (3) could not remember.

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 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.

The PREA Education must include: 1) The Department's zero-tolerance of sexual abuse and sexual harassment; 2) Definitions of sexually abusive behavior and sexual harassment; 3) Prevention strategies the offender can take to minimize his/her risk of sexual victimization while in 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) and Notices that the female staff routinely work and visit housing area.

The auditor reviewed twenty (20) Orientation Checklists documenting watching the PREA Video.

A review of thirty (30) inmate files documented twenty-seven (27) of the thirty (30) files contained documentation of inmate orientation within 24 hours of arrival.

Twenty-Seven (27) of twenty-seven (27) interviewed offenders said they received information that let them know they had the right not to be sexually abused or sexual harassed, their right not to be punished for reporting and how to report it if it happened to them or others. Fifteen (15) said they received that information the same day they arrived at the facility. Nine (9) said around the 2<sup>nd</sup> day after arrival and three said they thought it would have been within a week of their arrival. Nineteen (19) said the Counselor provided that information and seven (7) said it was either the Captain or Sergeant. Twenty-Five (25) said they viewed the PREA Video, one (1) said he did not see the video here but at another facility and one (1) said he could not remember. Twenty-Four (24) of the Twenty-Seven (27) said they were given the opportunity to ask questions, one said he was not given the opportunity to ask questions and two (2) said they did not remember.

PREA information is presented to inmates in a manner that enables the inmate to understand and to participate fully in the Agency's prevention, detection, responding and reporting PREA efforts. If a limited English proficient resident was admitted, the facility has access to Language Line professional interpretive services as well as through multiple statewide contracts for a variety of interpretive services. Coordination of these services may be expedited by the local ADA Coordinator contacting the Statewide ADA Coordinator or designee who can facilitate access to professional interpreters either on the phone, via video, or in person. If a resident is deaf, the staff may use language line to access an interpreter using American Sign or access one of the many statewide contracts for interpretive services, both via phone, in person, or through video conference. The facility has one bilingual staff who serves as an interpreter for Spanish speaking inmates, if needed.

If, on admission, an inmate has literacy issues or is cognitively disabled, the initial intake information may be read to them. If needed, the facility has GED/ABE/Literacy teachers. If a teacher is available on site during the admission, the teacher may ensure the resident understands. The facility may also use general population counselors or any staff to assist in communicating the information necessary to attempt to keep the inmate safe. The facility has mental health professionals who can assist with an inmate with mental health issues.

Inmates, whether formally or informally interviewed, stated they received PREA Information upon arrival "off the bus" and during orientation and that they have received PREA Information and watched the video in every prison they have been housed in. Those coming from Georgia Diagnostic State Prison, the state's diagnostic facility, stated they received PREA Information and watched the PREA Video there as a part of their admission process at that diagnostic facility, prior to being assigned to a prison in the state.

For limited English proficient inmates, the facility has contracted with Language Line Solutions to provide interpretation services. These include interpretation over the phone, video remote and on-site. Contract services also include access to interpretation services for American Sign Language. The facility has an ADA Coordinator who can access the Statewide ADA Coordinator to secure a wide variety of statewide contracts for accessing interpretive services and these can be expedited by the

statewide ADA Coordinator if necessary. Staff would read the information to inmates with literacy or developmental issues. A mental health counselor is available to assist mentally ill inmates in understanding the PREA related information and in making reports.

PREA related posters were observed throughout the facility and accessible in multiple areas to inmates.

**Policy and Documents Reviewed:** GDC Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 4, Offender Education; GDC PREA pamphlet; GDC Policy 220.04, Offender Orientation; Sumter County Correctional Institute Local Operating Procedures, 208.06, 20 Offender Awareness Acknowledgment Forms; 20 GDC Orientation Checklists; 30 Inmate files, randomly selected;

**Interviews:** Warden; Staff conducting intake; Staff conducting orientation (inmate education); PREA Compliance Manager; Twenty-Seven (27) inmates; (17) Randomly selected staff; (24) Specialized Staff; (30) Informally Interviewed Offenders; Pre-Audit Questionnaire

**Discussion of Policy and Documents: Reviewed:** GDC 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-Tolerance 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 resident upon arrival at the facility. It also requires that in addition to verbal notification, offenders are required to be provided a GDC PREA pamphlet.

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 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.

The PREA Education must include: 1) The Department's zero-tolerance of sexual abuse and sexual harassment; 2) Definitions of sexually abusive behavior and sexual harassment; 3) Prevention strategies the offender can take to minimize his/her risk of sexual victimization while in 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) and Notice that male and female routinely work and visit housing area.

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.

Education, according to GDC policy requires the facility to maintain documentation of offender participation in education sessions in the offender's institutional file. In each housing unit, policy requires that the following are posted in each housing unit: a) Notice of Male and Female Staff routinely working and visiting housing areas; b) A poster reflecting the Department's zero-tolerance (must be posted in common areas, as well, throughout the facility, including entry, visitation, and staff areas.

Inmates confirm their orientation on several documents.

- 1) Inmate Acknowledgment of PREA
- 2) Offender Orientation Checklist (documenting Sexual Abuse and Harassment and Viewed the PREA Video)

If an inmate is non-English speaking, the Language Line is available. If an inmate has a disability, appropriate staff are to be used to ensure that the inmate understands the PREA policy. If an inmate requires signing (hearing impaired) the agency's ADA Coordinator is called and provides the necessary translation services (according to an interview with the ADA Coordinator). The State Department of Administrative Services has multiple contracts with translation services. These may be accessed through the Agency ADA Coordinator. The facility has a contract with Language Line for interpretive services for the deaf and offenders who are limited English proficient. Inmates who have literacy issues or who are cognitively challenged have access to the GED teacher and other staff who can read the PREA related information to them and mentally ill inmates have two counselors who can assist them in understanding PREA and how to report. PREA Videos have closed caption and there is also a Spanish version of the video.

**Discussion of Interviews:** The intake/orientation staff asserted that all inmates receive PREA Information when they get "off the bus" and are explained zero tolerance and how to report. Orientation is conducted the same or next day following admission and includes inmate's rights to be free from sexual abuse or sexual harassment and rights to not be punished for reporting

They explained the process for providing the information and explained that in addition to watching the PREA Video, inmates have the opportunity to ask questions if they have any.

Interviewed inmates indicated they received PREA Information on admission and "off the bus". They also stated they watched the PREA Video during orientation that provided PREA education. They also indicated they have seen the PREA Video and have been given PREA information in every GDC facility they have ever been in. They also stated they received information verbally and in writing and were given the opportunity to ask questions if they had any.

## Standard 115.34: Specialized training: Investigations

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.34 (a)

- 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 have received 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  No  NA

### 115.34 (b)

- 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  No  NA

- 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  No  NA
- 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  No  NA
- 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  No  NA

#### 115.34 (c)

- 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  No  NA

#### 115.34 (d)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This standard is rated exceeds for several reasons. The Georgia Department of Corrections has an extensive network of investigators, including highly-trained Special Agents, assigned to one of the three Regional Offices throughout the State of Georgia. These investigators fall under the umbrella of the

Georgia Department of Corrections, Office of Professional Standards. Special Agents have arrest powers and have the authority and responsibility to conduct criminal investigations.

In addition to Special Agents, the agency has Office of Professional Standards Investigators who are housed in a State Prison but conduct investigations in designated facilities in the Investigator's Catchment Area. This level of investigator has the authority to conduct criminal investigations and have arrest powers, but they do not have the extensive investigatory training like the Special Agents. OPS investigators (facility based) primarily conduct investigations into contraband, Special Threat Groups (STGs/Gang Activity), and allegations of excessive force however they may conduct an investigation into an allegation of sexual assault.

When a staff is involved, yet another layer of investigator, Internal Affairs, will conduct the administrative portion of a criminal investigation after the Special Agent has completed his investigation.

GDC has required each facility to develop a Sexual Assault Response Team (SART) with a representative from medical and counseling/mental health and security. The SART is responsible for conducting the initial investigation into allegations of sexual abuse and sexual harassment.

Special Agents have extensive training in conducting investigations. In addition to attending and completing "mandate" training (training conducted for law enforcement) which generally consists of 11 weeks of training at a Regional Law Enforcement Training Center. Following successful completion, the candidate is certified as a Law Enforcement Officer, with arrest powers. Following the Law Enforcement Academy, Special Agent candidates must complete 13 weeks of intense investigatory training at the Georgia Bureau of Investigation.

Facility-Based investigators must complete specialized training regarding conducting sexual abuse investigations in a confinement setting. This facility has six (6) staff who have completed the Specialized training for investigators offered on-line by the National Institute of Corrections, entitled: "PREA: Conducting Sexual Abuse Investigations in a Confinement Setting". The rationale for having more than one or two staff complete the course is to ensure the Sexual Assault Response Team members have trained "back-ups" in the event one or more cannot serve at a given time. Also, in addition to completing the NIC Specialized Training for Facility Based Investigators, the Deputy Warden of Care and Treatment and the Warden's Administrative Assistant have completed additional specialized training. That training, entitled, "Advanced Sexual Assault Investigations" was a 16-hour course provided by the Georgia Network to End Sexual Assault.

In addition to the NIC On-Line Training and the training offered by the Georgia Network to End Sexual Assault, members of the Sexual Assault Response Team, attend the training provided specifically for Sexual Assault Response Team members conducted at least once a year on campus at the Georgia Department of Corrections' State Office.

The facility conducts its own investigations of allegations of sexual assault, sexual harassment or retaliation. These are conducted by the Sexual Assault Response Team (SART). A primary investigator, referred to as the facility- based investigator, leads the investigation. The facility-based investigator at Valdosta State Prison is the Administrative Lieutenant/PREA Compliance Manager.

Allegations that appear criminal are investigated by a Georgia Department of Corrections (GDC), Office of Professional Standards, Special Agent, assigned to the investigation by a GDC Regional Office.

If the allegation is not criminal, the facility's Sexual Abuse Response Team (SART), composed of a facility-based investigator, a representative from medical, and someone from counseling conduct the investigation.

The facility-based investigator understood the investigative process. He indicated she completed the online training "PREA: Investigating Sexual Abuse in a Confinement Setting". He described the investigation process and indicated if an allegation appeared criminal the warden would refer the case to the Regional Office for the Special Agent in Charge to assign a Special Agent assigned to conduct the investigation.

Too, the agency has implemented a computer- based system in which the facility-based investigator inputs the components of the investigation for review by the Agency's PREA Coordinator and/or Assistant PREA Coordinator. If they believe additional information is needed, they inform the facility-based investigator and will not authorize the close-out of the investigation until the PREA Unit approves the investigation. Interviews with the Facility-Based Investigator, PREA Compliance Manager (also trained to conduct investigations in confinement settings), Agency PREA Coordinator and a Special Agent (previous interview) confirmed the investigative process and the fact that the investigators have all completed specialized training in conducting sexual abuse investigations in confinement settings.

Facility-Based Investigators also must complete the PREA Training required of all other employees, and includes attending annual in-service training. This training is documented on multiple training rosters documenting Day 1 Annual In-Service Training in 2016, 2017, 2018, and 2019.

**Policy and Documents Reviewed:** GDC Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 5. Specialized Training Investigations; A Certificate documenting specialized training provided by the National Institute of Corrections: Investigating Sexual Abuse in Confinement Settings; (5) Additional NIC Certificates documenting the on-line specialized training provided by the National Institute of Corrections for six staff; Two (2) Certificates documenting Advanced Sexual Assault Investigation training; Previously Reviewed Training Rosters for SART Training

**Interviews:** Warden; Previous Interview with the Special Agent designated as the PREA Investigator in the Southwest Region; Previous interview with Agency PREA Coordinator; Previous Interview with the Agency Assistant PREA Coordinator; PREA Compliance Manager; Deputy Warden of Security/Investigator; Office of Professional Standards Investigator-Facility-Based, SART Members.

**Discussion of Policies and Documents:** GDC Policy 208.6, Prison Rape Elimination Act, Sexually Abusive 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.

In GDC Facilities, the Sexual Assault Response Team is charged with conducting the initial investigation into issues related to PREA. Their role is to determine if the allegation is indeed 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.

Certificates documenting specialized training were provided for six staff. Two additional certificates documenting completing 16 hours, Advanced Sexual Assault Investigations, were provided and reviewed.

Sexual Assault Response Team members are provided training conducted by the GDC PREA Unit at least twice a year. Training rosters were previously provided documenting the SART attendance at the training.

SART members, including the Facility-Based Investigator, attend the same PREA Training at Annual In-Service training as all other employees.

**Discussion of interviews:** An interview with a Special Agent assigned as the PREA Investigator for the Southwest Region in Georgia confirmed the extensive specialized training these Special Agents receive. He indicated his training consisted of attending the Police Academy followed by attending the Georgia Bureau of Investigations Academy that included extensive training in conducting investigations, including sexual abuse investigations, and training provided by the Department that included most recently a two-day training for investigating sexual assault in a confinement setting. He described the criminal investigation process in detail, including protecting crime scenes, collecting evidence (including swabs), using the Miranda Warning, collecting forensic exams (SANEs), chain of custody for rape kits, interviewing alleged victims and perpetrators and interviewing witnesses.

The auditor interviewed, in a previous interview, an Office of Professional Standards, Special Agent, from the Regional Office. The agent articulated the investigative process and the role of the Special Agent in investigating PREA related allegations. He indicated he or other agents would be dispatched by the Regional Office in the event of a sexual assault. He also related that in addition to the NIC Specialized Training taken on-line, (PREA: Investigating Sexual Abuse in Confinement Settings) he attended 600 hours of training provided by the Georgia Bureau of Investigation to become a Special Agent with arrest powers. The auditor also interviewed an OPS Investigator assigned to the prison and the Deputy Warden who was previously a Special Agent. These confirmed the extensive training an investigator with OPS goes through. Special Agents must complete police mandated training and 11-13 weeks of training conducted by the Georgia Bureau of Investigations and covering a wide array of investigations and investigation techniques.

The facility-based investigator confirmed receiving the NIC training and SART Training. The facility-based investigator was knowledgeable of the investigation process and correctly responded to the questions from the PRC Questionnaire for Investigators. He indicated the investigation would be initiated immediately and described evidence that would be reviewed and considered, that she would not require a victim to take a truth telling device as a condition for proceeding with an investigation, that the departure of an employee or an inmate would not stop the investigation and that he would judge the credibility of a witness based solely on the evidence. (See 115.71 for further discussion)

## Standard 115.35: Specialized training: Medical and mental health care

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.35 (a)

- 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?  Yes  No
- 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?  Yes  No
- 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?  Yes  No
- 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?  Yes  No

#### 115.35 (b)

- 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.)  Yes  No  NA

#### 115.35 (c)

- 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?  Yes  No

#### 115.35 (d)

- Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31?  Yes  No
- Do medical and mental health care practitioners contracted by and volunteering for the agency also receive training mandated for contractors and volunteers by §115.32?  Yes  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The facility does not have any mental health staff. Medical services are provided through a contract with Well Path and consist of the following:

- (3) Registered Nurses
- (4) Licensed Practical Nurses
- (2) PRN Licensed Practical Nurses
- (1) MD once a week
- (1) Mental Health Staff on site once a week

Certificates documenting the NIC Specialized Training entitled, "Medical Care for Victims of Sexual Abuse in a Confinement Setting" were provided and reviewed. Additionally, some of the medical staff have completed the specialized training provided by the NIC, entitled, "Behavioral Health Care for Victims of Sexual Abuse in a Confinement Setting".

The facility does not perform forensic exams. The agency has a contract with Satilla Rape Crisis Center/Advocacy Center to conduct forensic examinations. The SANE comes on site to the prison to conduct the exams. Previous interviews with those SANEs confirmed their process for conducting the exams. The SANE would either come to the facility to conduct the forensic exam or to another State Prison.

Medical staff also must complete the same training provided for all employees. Training Rosters documented their attendance at annual in-service training conducted most recently by the Georgia Department of Corrections in 2018.

**Policy and Documents Reviewed:** Pre-Audit Questionnaire, Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, C. Training and Education, Paragraph 6, Specialized Training: Medical and Mental Health Care; National Institute of Corrections Certificates documenting specialized training; SANE Certificate of Continuing Education (from former audit and documentation of that training is maintained in that file); (21) Certificates documenting Communicating Effectively and Professionally with LGBTI Offenders.

**Interviews:** Previous interview with the Agency PREA Coordinator; Warden; PREA Compliance Manager; Clinical Site Coordinator/Lead Nurse; Sexual Assault Nurse Examiner (two previous interviews with the contracted SANEs); 27 Inmates

**Observations:** None applicable currently to this standard.

**Discussions of Policy and Documents:** The Pre-Audit Questionnaire documented 100% of the medical staff completing the required specialized training. Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive 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 are trained using the 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 and that training is documented on the requested training rosters documenting Day1 Annual In-Service Training.

The facility does not conduct forensic examinations. If there was a sexual assault at this facility, the medical staff at GSP would not conduct the forensic exam. The exam would be conducted by the GDC contracted SANE or at the emergency room depending upon the injuries the inmate incurred.

Staff are trained in PREA as newly hired employees and through annual in-service, just as any other employee of the facility. That training includes recognizing signs and symptoms of sexual abuse, first responding as a non-uniformed staff, and how to report allegations of sexual abuse and sexual harassment, including how and to whom to report and follow-up with a written statement. Medical staff are trained in annual in-service training how to respond to allegations and how to protect the evidence from being compromised or destroyed.

**Discussion of Interviews:** An interview with the Clinical Site Director/Lead Nurse indicated that all health care staff are required to and have completed the NIC Specialized Training provided online by the NIC. The nurse also affirmed the regular PREA Training staff received during annual in-service and refreshers.

## SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

### Standard 115.41: Screening for risk of victimization and abusiveness

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.41 (a)

- 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  No
- 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  No

#### 115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility?  Yes  No

#### 115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument?  Yes  No

#### 115.41 (d)

- 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  No
- 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  No
- 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  No
- 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  No
- 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  No
- 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  No
- 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  No
- 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  No
- 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  No
- 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  No

#### 115.41 (e)

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior acts of sexual abuse?  Yes  No

- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: prior convictions for violent offenses?  Yes  No
- In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, when known to the agency: history of prior institutional violence or sexual abuse?  Yes  No

#### 115.41 (f)

- 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  No

#### 115.41 (g)

- Does the facility reassess an inmate's risk level when warranted due to a: Referral?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to a: Request?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to a: Incident of sexual abuse?  Yes  No
- Does the facility reassess an inmate's risk level when warranted due to a: Receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?  Yes  No

#### 115.41 (h)

- 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  No

#### 115.41 (i)

- 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  No

### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The facility conducts the initial PREA Assessments within 24 hours of the inmate's arrival. This is in compliance with GDC Policy. The issue the facility has is with reassessments being conducted within 30 days after the inmate's arrival at the facility. The auditor initially reviewed 20 reassessments. Four (4) of the reviewed inmate's records indicated they did not have a reassessment and four (4) reassessments were beyond thirty (30) days. One was conducted after three months and one after two months. An additional 40 were reviewed. Seventeen of these were past 30 days but six of those were between 36-38 days. The facility will develop a corrective action plan to ensure reassessments are completed in compliance with GDC Policy and the PREA Standards.

**Policy and Documents Reviewed:** Department of Corrections Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, D. Screening for Risk of Sexual Victimization and Abusiveness, Paragraph 1. Screening for victimization and abusiveness, Victim/Aggressor Classification Instrument; Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program in paragraph 9.; Victim/Aggressor Assessments (20) and (60) Reassessments

**Interviews:** Warden, PREA Compliance Manager/Deputy Warden; Counselor; Interviews with twenty-seven (27)

### Discussion of Policy and Documents:

Department of Corrections Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, D. Screening for Risk of Sexual Victimization and Abusiveness, Paragraph 1. Screening for victimization and abusiveness, dated March 2, 2018, 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.

Policy requires counseling staff to conduct a screening for risk of victimization and abusiveness, in SCRIBE, the offender database using the instrument, PREA Sexual Victim/Aggressor Classification Screening Instrument. Policy requires that the assessment is done within 24 hours of arrival at the facility. At this facility, interviews with a Counselor conducting the Victim/Aggressor Assessment and reviewed Victim/Aggressor Assessments indicated that the assessments are done as part of the admissions process and are done well within 24 hours of admission.

All the reviewed assessments (40) including another were completed within 24 hours of admission.

Information from the screening will be used to inform housing, bed assignment, work, education and program assignments. Policy requires that outcome of the screening is documented in SCRIBE.

The Offender PREA Classification Details considers all the following sexual victim factors:

- Offender is a former victim of institutional rape or sexual assault
- Offender is 25 years old or younger or 60 years or older
- Offender is small in physical stature
- Offender has a developmental disability/mental illness/physical disability
- Offender's first incarceration
- Offender is perceived to be gay/lesbian/bisexual transgender/intersex or gender non-conforming
- Offender has a history of prior sexual victimization
- Offender's own perception is that of being vulnerable
- Offender has a criminal history that is exclusively non-violent
- Offender has a conviction(s) for sex offense against adult and/or child?

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 (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.

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

- Offender has a history of institutional (prison or jail) sexually aggressive behavior
- Offender has a history of sexual abuse or sexual assault toward others (adult or child)
- Offender's current offense is sexual abuse/sexual assault toward others (adult or child)
- 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 (2) 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.

GDC Policy 208.06, Attachment 4 also 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 also is required to be documented in the offender SCRIBE case notes, with an alert note indicating which the controlling rating is.

Staff are required to encourage inmates to respond to the questions to better protect them, but staff are prohibited from disciplining them for not answering any of the questions. The screening process considers minimally, the following criteria to assess inmate's 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 been previously incarcerated; whether the inmate's criminal history is exclusively nonviolent; whether the inmate has prior conviction for sex offenses against an adult or child; 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; the inmate's own perception of vulnerability and whether the inmate is detained solely for civil immigration purposes. It also considers prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known by the Department. Other factors considered are physical appearance, demeanor, special situations or special needs, social inadequacy and developmental disabilities.

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, as well as work, education and programming assignments.

The information from the risk screening is required to be used to determine housing, bed, work, education and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.

Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program in paragraph 9, 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. The

The Staff at Sumter County Correctional Institute stated in their interviews the facility will make individualized determinations about how to ensure the safety of each offender.

The facility does not have any transgender inmates however, in making housing assignments for transgender or intersex offenders, the Department and this facility will consider on a case-by -case basis, whether a placement would ensure the offender's health and safety and whether the placement would present management or security problems. Also, 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.

Policy also requires that offenders who are at high risk for sexual victimization will not be placed in involuntary segregation unless an assessment of all available alternatives have been made, and 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 offender's safety must be 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. Inmates would receive services in accordance with SOP 209-06, Administrative Segregation. The facility will assign inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged. The assignment will not ordinarily exceed thirty days.

Policy requires that offenders whose risk screening indicates a risk for victimization, or abusiveness will be reassessed whenever warranted due to an incident, disclosure or allegation of sexual abuse or sexual harassment. It also requires all offenders to be reassessed within 30 days of arrival at the facility. A case note must be entered into SCRIBE to indicate when the reassessment was conducted. Reviewed reassessments indicated difficulty in managing the dates to ensure a reassessment is done within 30 days of arrival.

Screening is required to be conducted, in private in an office with the door closed, within 24 hours of arrival at the facility. A counselor who conducts the screening stated the initial PREA Assessment is

conducted in private. They stated they use the GDC Victim/Aggressor Assessment instrument to conduct the assessment and that they ask the questions and the inmate responds.

Assessment staff stated they consider the offender's history, including a history of violent or non-violent offenses, whether he has a previous history of being abused or being an abuser, age, build, age, sexual orientation and the other questions that are on the assessment instrument.

If the offender scores out as a risk for victimization, the lets the count/clerk/ID staff know so an appropriate housing assignment can be made and indicated the offender is offered a follow-up with mental health and if he accepts is referred using the GDC Referral Form. All assessments are documented in SCRIBE, the offender database.

Staff related that transgender inmates are also reassessed every six months. The facility provided a list of transgenders assessments and reassessments confirming they are now conducting the reassessments every 6 months as required.

Information from the PREA Assessment is used in an effort to house the inmate appropriately and to place him in programs and on details that are conducive to his safety and risk. The classification committee meets weekly and following admission, the classification committee reviews the available information on the inmate, including the PREA Assessment.

#### **Discussion of Interviews:**

Staff use the GDC Form PREA Sexual Victim/Sexual Aggressor Classification Screening and the questions are asked orally. The staff stated they cannot require an inmate to answer any of the questions on the assessment nor can inmates be disciplined for not doing so. The screening form considers things such as: 1) Prior victimization, 2) Weight, 3) Age, 4) Body type, 5) Disability, 6) Mental issues, 7) First incarceration or not, 8) Criminal history that is non-violent, 9) Sexual offenses, 10) Sexual abuse against adults, children etc., 11) Current offense, and 12) Prior convictions for violence. Staff also related that instead of stature the department instruments populate information in the system to assign a score for body mass index. Staff also related that they go into SCRIBE, the offender database, to look for any previous flags, criminal history, and disciplinary actions involving the offender. The interviewed counselor related that she checks SCRIBE to cross check the responses of the offender.

If an inmate endorses the 1<sup>st</sup> question regarding being a victim previously in an institutional setting, the resident is identified as a Risk for Victimization. If a resident endorses the first question on the abusive scale, he is designated as at Risk for Abusiveness.

Reassessments, according to staff, are required to be completed, within 30 days after the initial assessment. Staff indicated they had a system to ensure the reassessments were done within 30 days however the auditor's review indicated that although most are done within 40 days or so after arrival some have fallen through the cracks for reassessment and a corrective action plan has been developed.

Interviews with 27 inmates indicated that 20 of them recalled being asked the questions on the PREA Assessment. Twenty-Seven (27) asserted they have never been the victim of previous sexual abuse. Only three could recall being asked those same questions later.

#### **Standard 115.42: Use of screening information**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

**115.42 (a)**

- 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  No
- 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  No
- 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  No
- 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  No
- 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  No

**115.42 (b)**

- Does the agency make individualized determinations about how to ensure the safety of each inmate?  Yes  No

**115.42 (c)**

- 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  No
- 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  No

**115.42 (d)**

- 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  No

#### 115.42 (e)

- 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  No

#### 115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates?  Yes  No

#### 115.42 (g)

- 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?  Yes  No
- 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?  Yes  No
- 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?  Yes  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Placement and programming assignments are based on the risk screening conducted within 24 hours of admission, as well as any other pertinent information contained in the inmate's file or in the offender database known as SCRIBE. The initial PREA Assessment may be used to determine housing initially however the classification committee of the facility meets weekly and considers the available information from a variety of sources, including the inmate's file, offender database, and any screening done at the facility prior to the classification committee meeting.

Policy requires the agency and the facility use the 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; Bedding; Work Details; Education Assignments and Program Assignments. This is required in GDC Policy 208.06, D. Screening for Risk of Victimization and Abusiveness, Use of Screening Information.

The facility dorms are separated by a long hall. Potential victims are housed on one side of the hall the potential abusers on the opposite side of the hall.

Housing assignments are made initially at intake and with input from the Staff conducting the initial victim/aggressor assessments. The classification committee, then meets weekly and reviews the offender's history to determine program assignments, details, and whether the offender's housing needs to be changed. Inmates on details are reportedly under direct supervision of staff.

**Policy and Documents Reviewed:** GDC Policy 208.6, D. Screening for Risk of Victimization and Abusiveness, Paragraph 2. Use of Screening Information; (20) Reviewed Assessments and (60) Reassessments

**Interviews:** Warden; PREA Compliance Manager/Deputy Warden; Counselor; Intake Officer; Members of the Classification Committee; ID Officer

**Discussion of Policies and Documents:** GDC 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. Facilities 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.

Policy also 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 abusers. 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 also provides for reassessments as well and the offender will be kept in involuntary segregated housing for protection only until a suitable and safe alternative is identified.

Potential victims are assigned to general population dorms and are not housed in designated dorms solely for potential or actual victims.

The classification committee meets weekly and reviews the inmate's record and file and if they determine an offender needs to be moved, he will be moved. They also consider the inmates safety in making assignments to details and programs, although programs are very limited.

## **Standard 115.43: Protective Custody**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.43 (a)**

- 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  No
- 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  No

### **115.43 (b)**

- 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  No
- 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  No
- 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  No
- 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  No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The opportunities that have been limited?  Yes  No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The duration of the limitation?  Yes  No
- If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document: The reasons for such limitations?  Yes  No

#### 115.43 (c)

- 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  No
- Does such an assignment not ordinarily exceed a period of 30 days?  Yes  No

#### 115.43 (d)

- 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  No
- 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  No

#### 115.43 (e)

- 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  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Sumter County Correctional Institute Local Operating Procedure asserts that offenders at high risk for sexual victimization will not be placed in involuntary segregation based solely on that determination unless a determination has been made that there is no available alternative means of separation from likely abusers. The LOP requires that the placement including the concern for the inmate's safety must be noted in SCRIBE case notes with documentation of why no alternative means of separation can be arranged. The LOP also requires offenders placed in segregation will receive services in accordance

with the GDC Administrative Segregation Standard Operating Procedure 209.06 and if any services are restricted the reason and duration of the restriction must be documented.

The Pre-Audit Questionnaire documented that there have been no inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of an assessment. It also affirmed there have been no inmates who were held in involuntary or segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement. There have been no inmates placed in involuntary segregation as the result of having a high potential for victimization or for being at risk of imminent sexual abuse. This was confirmed through reviewing the Pre-Audit Questionnaire, sampled inmate files, and interviews with the Warden, PREA Compliance Manager, Staff Supervising Segregation, and randomly selected and targeted inmates.

**Policy and Documents Reviewed:** Pre-Audit Questionnaire; Georgia GDC Policy, 208.06, IV.d.3 (a-d) Administrative Segregation; Coordinated Response Plan; Monthly PREA Reports; Hot Line Call Report from the Georgia Department of Corrections PREA Unit, Reviewed Incident Reports and grievances for the past 12 months.

**Interviews:** Warden, PREA Compliance Manager; Staff supervising segregation; Randomly selected staff (17); Randomly selected; (24) Specialized staff; (27) Inmates, including those randomly selected inmates and targeted Inmates; (30) Inmates informally interviewed.

**Discussion of Policy and Documents:** The Pre-Audit Questionnaire documented the facility did not place any inmate in involuntary segregation/protective custody during the past twelve months. The Pre-Audit Questionnaire documented that there were no inmates at risk of sexual victimization who were assigned to involuntary segregated housing at all; none held for 24 hours awaiting assessment and none in the past 12 months for longer than 30 days while awaiting alternate placement. Staff were aware however of the requirements of GDC policy which is consistent with the PREA Standards. The Georgia GDC Policy, 208.06, IV.d.3 (a-d) Administrative Segregation, requires that offenders at high risk for sexual victimization are not placed 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. This 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.

Inmates at high risk for sexual victimization are housed in the general population. They are not placed in segregated housing and would not be placed there unless there were no other options for safely housing the inmate/resident. Inmates identified as having a risk for victimization would be housed in A-1 or A-2, General Population Dorms for Medium Security Level Offenders. The dorm also houses the admissions and orientation inmates.

If there was no other place to safely house a potential or actual victim, the victim will be temporarily housed in the administrative segregation area but would be expeditiously transferred to another facility. Interviews indicated if the alleged aggressor is known, he would be placed in segregation and the inmate reassigned to another dorm, if that were a safe option.

If an inmate is assigned to involuntary segregated housing it is 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.

Inmates in involuntary protective custody, in compliance with policy, will have access to programs and services like those of the general population, including access to medical care, mental health, recreation/exercise, education, and the phone.

<input type="checkbox"/>	<input type="checkbox"/>
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**Discussion of Interviews:** Interviews with the Warden, Deputy Warden of Security, Deputy Warden of Care and Treatment, and Staff supervising segregation, indicated that there have been no inmates placed in involuntary protective custody in the past 12 months. Inmates who are at high risk for sexual victimization may be placed in involuntary protective custody until some other means of keeping them safe could be arranged and that may include transfer to another facility. If they were placed in involuntary protective custody the justification would be documented.

A staff who supervises segregation indicated that staff would try not to put an offender in segregation unless there was no other place to safely house him however, he may be placed in involuntary segregation until staff figure out what is going on. Staff supervising segregation indicated that inmates placed in involuntary protective custody would have access to the teacher, for education, counselors, recreation and medical and counselor's visits.

## REPORTING

### Standard 115.51: Inmate reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.51 (a)

- Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?  Yes  No
- 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  No
- 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  No

#### 115.51 (b)

- 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  No

- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?  Yes  No
- Does that private entity or office allow the inmate to remain anonymous upon request?  Yes  No
- 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?  Yes  No

#### 115.51 (c)

- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?  Yes  No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment?  Yes  No

#### 115.51 (d)

- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?  Yes  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This standard is rated exceeds because of the multiple ways the agency and facility provide for inmates to report allegations of sexual abuse and sexual harassment. The agency and Sumter County Correctional Institute provide multiple ways for inmates to report both internally and externally. These include multiple ways to internally and privately report allegations of sexual abuse, sexual harassment, retaliation and staff neglect or violations that may have contributed to the incident.

Additionally, the agency provides a way for inmates to report to a public or private entity that is not a part of the agency. Sumter County CI inmates have access to the Lily Pad SANE Center, a rape crisis center

in Albany, GA. Contact information, including the phone number and mailing address have been provided to the inmates. Additionally, the facility can contact the Office of Victim Services, a unit of the Parole Board, not a part of the Georgia Department of Corrections.

This facility is a medium security prison and holds offenders who have been convicted of felony crimes and are serving incarceration in the prison. The prison does not house any inmates who are being detained solely for civil immigration purposes.

Staff at this facility, in compliance with GDC Policy, and the PREA Standards, accepts reports from all sources, including those from third parties and reports made anonymously. Policy requires that they report these to their immediate supervisor immediately and/or Designated SART member and follow-up with a written witness statement or incident report prior to the end of their shift. Interviewed staff indicated they would be disciplined for failing to report and that would most likely be termination.

Staff may report allegations of sexual abuse and sexual harassment in the same ways the inmates may make. The PREA Brochure, Sexual Assault, Sexual Harassment, Prison Rape Elimination Act, How to Prevent It, How to Report It, advises inmates that reporting is the first step and includes the following: PREA Hotline, Statewide PREA Coordinator (contact information provided), Ombudsman (mailing address and phone number provided), and Director of Victim Services (mailing address provided). Inmates are told to report it, even if they don't have any evidence and that they may report to any staff, drop a not or send a kite or call the PREA hotline.

Inmates are educated on ways they can report through multiple sources. These include information provided to them at intake and during orientation, through streaming video informing inmates of ways to report, including to outside entities such as the Ombudsman, the outside victim advocacy organization, and to the Office of Victim Services, and through bright and vivid posters informing inmates that Rape is not a part of their sentence and how to report. The facility also provides inmates the tools to make reports. These include a Kiosk enabling them to email family, to notify staff and to email the GDC PREA Unit. Phones are available for making calls to the PREA Unit as well.

Inmates at this facility have access to reporting via the KIOSKs located in each dormitory, On the KIOSK an offender can report an allegation directly to the Georgia Department of Corrections PREA Unit. They can also email family members and anyone on their approved visitors list. Video Visitation is available for inmates who can afford that service. On the KIOSK the offender can email designated staff.

Offenders have access to phones enabling them to report to the Georgia Department of Corrections PREA Unit. They may do this anonymously, as well. Offenders do not have to enter a pin number to contact the PREA Unit. Phones were observed in every dormitory. Inmates may make phone calls to family and others on their approved list.

Staff are trained to treat all allegations as confidential. Therefore, when allegations are reported up the chain of command, they are kept private and are only forwarded to the Warden, who then determines who else needs to be notified. Typically, only the Sexual Assault Response Team, Georgia Department of Corrections PREA Coordinator, and the Georgia Department of Corrections Internal Investigations (Office of Professional Standards) will be informed.

To report outside the facility inmates can call the PREA Hotline; write the Ombudsman (phone number provided); write the State Board of Pardons and Parole Victim Services (contact information provided); call the Georgia Department of Corrections Tip Line (and remain anonymous) and write or call the GDC PREA Coordinator; and tell a family member by phone, letter or during visitation. Within the facility they

can report to a staff member, write a note, send a request, tell medical, send a “kite” or file a grievance. They may report to their attorney’s either via phone, in person or via letter.

Staff who fail to report allegations of sexual abuse or sexual harassment will be held accountable and sanctioned through dismissal. Allegations must result in staff reporting verbally immediately and filing an incident report or witness statement prior to the end of the shift.

Interviewed staff indicated they would take a report of sexual abuse or sexual harassment from any source and take all of them seriously and report it to their immediate supervisor and follow-up with a written report, either a witness statement or incident report, prior to the end of the shift.

Interviewed inmates named multiple ways to report. A review of the inmate interviews confirmed the following ways inmates named as ways they could report:

- (20) Hotline
- (26) Staff
- (15) Grievances
- (14) Family
- (10) Letter
- (01) Kiosk

Twenty-Three (23) inmates said they could make an anonymous report and four (4) said they did not know if they could or not.

Twenty-Five (25) inmates said they believed/thought staff would take allegations of sexual abuse seriously, one (1) said he believed certain staff would and one (1) said staff would not take it seriously.

Twenty-Seven (27) of twenty-seven (27) stated they have never reported to the authorities, either in person or in writing that they were sexually abused in this facility.

**Policy and Documents Reviewed:** Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, E. Reporting, 1. Inmate Reporting; The GDC policy (208.06, 2. Offender Grievances); Standard Operating Procedure 227.02, Statewide Grievance Procedures; brochure entitled, “Sexual Assault, Sexual Harassment, Prison Rape Elimination Act (PREA), Reporting is the First Step; PREA related posters; “Sexual Assault and Sexual Harassment Prison Rape Elimination Act (PREA) How to Prevent it; How to report it”; GDC Policy IIA23-0001, Consular Notification;. Report from the PREA Analyst documenting calls to the PREA Hotline in the past 12 months; Staff Guide on the Prevention and Reporting of Sexual Misconduct

**Interviews:** Twenty-Seven (27) Inmates, Twenty (20) informally interviewed inmates; Seventeen (17) randomly selected staff representing a cross section of positions; and Twenty-Four (24) specialized staff; Warden; Deputy Warden

**Observations:** Phones in each dorm with dialing instructions; Kiosks for reporting sexual abuse; Multiple PREA Related Posters in dorms and throughout the Facility

**Discussion of Policy and Documents:** 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 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 resident is provided contract information, including dialing instructions for reporting via the GDC Tip Line. The instructions tell the resident the Tip Line is for anonymous reporting of staff and inmate suspicions and illegal activity.

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 as well however the agency has determined and asserted in the revised Standard Operating Procedure that allegations of sexual abuse and sexual harassment are not grievable issues because of the potential for losing time in responding. If, however a grievance is received and determined to be PREA related, the grievance is immediately turned over to the SART 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). Interviews with staff, both random and specialized confirmed staff are required and trained to accept all reports, regardless of how they are made and regardless of the source, to notify their supervisor and write either an incident report or a statement as directed by the supervisor to document receipt of verbal reports, third party reports, anonymous reports etc.

The GDC Grievance Policy has designated allegations of sexual assault or sexual harassment as not grievable, however the policy requires that in the event an inmate files a grievance alleging sexual abuse or sexual harassment it is immediately turned over to the SART to begin an investigation into the allegation. Reviewed investigation reports indicated inmates still do use the grievance to report.

Inmates also have access to outside confidential support 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: Call PREA; to any staff member; to the Statewide PREA Coordinator, to the Ombudsman (phone number provided), to the Director of Victim Services (mailing address provided). They may also report to the Lily Pad SANE Center in Albany, GA using their 24/7 hotline or writing them.

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 time period.

Inmates may call anyone on their approved list. They can write their family and visit with them on weekends. They may also call their attorney's if they have one and have professional visits.

Inmates have multiple ways to report allegations of sexual abuse or sexual harassment internally and externally. They may report by calling the PREA Hotline, write the Ombudsman, write the State Board of Pardons and Parole, Victim Services, report to the Agency's PREA Coordinator, to staff, friends,

family and inmates, report via the grievance process, the GDC Tip Line, to the outside Rape Crisis Center/Outside Advocacy Organization, the Director of Victim Services and by telling a trusted staff.

Multiple PREA related posters were observed posted throughout the facility keeping PREA information continuously available to inmates. Zero Tolerance Posters, located throughout the facility, as well as other PREA related posters, explaining that inmates have the right to report and listing some ways inmates may choose to report.

**Discussion of Interviews:** Formal interviews with 27 inmates and informal interviews with 20 inmates confirmed that they understand and are aware of how to report sexual assault/abuse or sexual harassment. Inmates indicated they have had PREA in every facility they have ever been in, including the Georgia Classification and Diagnostic Prison in Jackson, GA. They indicated they would report primarily to staff, including line staff and counselors. The second most common way they indicated they would report was through the Georgia Department of Corrections, PREA Hotline. Inmates consistently said they believed staff would take reports or allegations of sexual abuse seriously. Staff related multiple ways inmates could report and stated they would take every allegation seriously regardless of the source of the allegation. When asked if they would take an anonymous report and report it; 100% said they would and that they would document it in writing after verbally reporting it. They also indicated they would take a third-party report, report it verbally, and follow-up with a written statement prior to the end of the shift.

## Standard 115.52: Exhaustion of administrative remedies

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.52 (a)

- 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  No  NA

### 115.52 (b)

- 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  No  NA
- 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  No  NA

**115.52 (c)**

- 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  No  NA
- 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  No  NA

**115.52 (d)**

- 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  No  NA
- 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  No  NA
- 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  No  NA

**115.52 (e)**

- 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  No  NA
- 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  No  NA
- 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  No  NA

**115.52 (f)**

- 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  No  NA
- 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  No  NA
- 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  No  NA
- 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  No  NA
- 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  No  NA
- 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  No  NA
- 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  No  NA

#### 115.52 (g)

- 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  No  NA

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

**Policy and Documents Reviewed:** Pre-Audit Questionnaire; GDC Policy, 227.02, Statewide Grievance Process; Page 5 of the Statewide Grievance Policy, Paragraph 4.; Paragraph F. Emergency Grievances Procedure; DOC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, F. Reporting, Paragraph 2, Reviewed Grievances filed in 2018 10% of the incident reports for the past 12 months.

**Interviews:** Warden; Deputy Warden/ PREA Compliance Manager; Grievance Officer; Due Process Officer; Seventeen (17) Randomly selected staff; Twenty-Four (24) Specialized Staff; Twenty-Seven (27) inmates formally interviewed; Thirty (30) inmates informally interviewed.

**Observations:** Not applicable for this standard.

**Discussion of Policies and Documents:** 208.6, E.3, Offender Grievances, in an updated policy, states that all allegations of sexual abuse and sexual harassment are not grievable issues. These should be reported in accordance with methods outlined in the policy.

Prior to the change in the policy, with an effective date of March 2, 2018, inmates did file grievances and those reviewed by the auditor were responded to by immediately turning them over to the Sexual Assault Response Team for investigation.

The policy changed effective March 2018 when this revision was included.

If a grievance alleged sexual abuse, it would be turned over to the SART to begin an investigation, as the grievance process ceases.

None of the reviewed grievances documented sexual abuse or sexual harassment allegations.

Although policy asserts that allegations of sexual abuse or sexual harassment are not grievable, during the past 12 months, inmates have often used that as a form of reporting. In those cases, the grievance was turned over to the Sexual Assault Response Team to be investigated.

None of the reviewed grievances contained allegations of sexual abuse or sexual harassment.

## Standard 115.53: Inmate access to outside confidential support services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.53 (a)

- 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  No
- 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?  Yes  No

- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?  Yes  No

#### 115.53 (b)

- 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  No

#### 115.53 (c)

- 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  No
- Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?  Yes  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The facility has a Memorandum of Understanding with the Lily Pad SANE Center, a Rape Crisis Center in nearby Albany, Georgia. The Rape Crisis Center will provide a 24/7 hotline enabling inmates to contact the center via phone or by mail. A previous interview with the Executive Director and an advocate from the Rape Crisis Center of the Coastal Empire confirmed that an advocate is available 24/7 via the Rape Crisis Center Hotline and available 24/7 to meet an inmate at the prison or at a hospital to provide emotional support services throughout the forensic exam if requested and through any investigatory interviews, if requested. The Rape Crisis Center is a member of the Georgia Network Against Sexual Assault and funded partially through the Criminal Justice Coordinating Council. The Lily Pad will conduct forensic exams for victims of sexual abuse from the Sumter County Correctional

Institute. One inmate, who alleged sexual abuse at Sumter County CI, was transported to the Lily Pad for a forensic exam.

The facility also has a trained advocate who can provide emotional support for an inmate victim of sexual assault if requested. This was confirmed through interviewing the staff advocate and reviewing the Certificates documenting his online training as an advocate.

**Policy and Documents Reviewed:** GDC Policy 208.6, PREA, Pre-Audit Questionnaire; GDC Policy IIA234-0001, PREA Related Posters; Training Certificate: Georgia Network to End Sexual Assaults; MOU with the Lily Pad SANE Center, Albany, Georgia

**Interviews:** Warden; PREA Compliance Manager, PREA Coordinator, Twenty-Seven (27) inmates; Staff from the Rape Crisis Center/Lily Pad SANE Center

**Discussion of Policies and Documents Review:** 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.

The agency provided a Memorandum acknowledging the services that the Lily Pad SANE Center, in Albany, Georgia agreed to provide including a victim advocate to meet the inmate victim of sexual abuse and accompany him through the forensic process and any investigation interviews, providing emotional support services and to provide a 24/7 hotline for reporting sexual abuse.

Inmates also have access to the GDC Ombudsman, GDC Tip Line, and the State Board of Pardons and Parole, Victim Services. Contact information, including phone numbers and mailing addresses are provided, posted and accessible to inmates.

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.

Inmates have access to their attorney's if they have one and may correspond with them, call them and visit with them at the prison. Professional visits are available during normal duty hours and by other appointment to accommodate them.

Inmates have access to their parents or relatives daily via phone, through the mail, and through visitation.

Inmates also have access to a Kiosk enabling them to email the GDC PREA Unit.

**Discussion of Interviews:** The auditor previously interviewed the Executive Director of the Lily Pad

SANE Center who described the services the Rape Crisis Center is committed to providing the facility. These services include providing a hotline for inmates to call 24/7 and for an advocate to meet them either at the prisons or hospital to provide emotional support through the forensic process and any investigatory interviews if requested by the inmate. Interviewed inmates indicated they are not aware of the outside advocacy services available.

## Standard 115.54: Third-party reporting

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?  Yes  No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Georgia Department of Corrections has established ways to receive third party reports. GDC Policy 208.06, Prison Rape Elimination Act (PREA) Sexually Abusive Behavior Prevention and Intervention Program, page 23, Paragraph 2. Third Party Reporting, provides for Third Party Reports to be made to the following:

- Ombudsman's Office (address and phone number provided)
- Email to the PREA Coordinator (email address provided)
- State Board of Pardons and Paroles, Office of Victim Services (mailing address provided)

Policy also requires, in 208.06, b. that staff will accept reports made verbally, in writing and from third parties and will promptly document any verbal reports.

The Georgia Department of Corrections Website provides a lot of information about PREA and in addition to including the Policy on PREA, the website has a section entitled: "How do I Report Sexual Abuse or Sexual Harassment". The section advises the viewer that GDC investigates all allegations of sexual abuse and sexual harassment promptly, thoroughly, and objectively. Then it provides ways for third parties to report allegations of sexual abuse and sexual harassment. These include the following:

- Call the PREA Confidential Reporting Line (toll free number provided and advises that these reports are recorded, and messages are checked Monday through Friday).
- Report via email to: [PREA.report@gdc.ga.gov](mailto:PREA.report@gdc.ga.gov)
- Send correspondence to Georgia Department of Corrections, ATTN: Office of Professional Standards PREA Unit, (Address provided)
- Contact the Ombudsman and Inmate Affairs Office (number provided)
- Contact the Pardons and Parole Victim Services office (number provided or via email-address provided)

The instructions tell the viewers they do not have to give their name, but they are encouraged to provide as many details as possible and the site lists the items requested to be reported to facilitate the investigation.

The Sumter County Correctional Institute website documents frequently asked questions. In that section of the website, on page three is a section entitled, PREWA. It affirms the facility's zero tolerance policy towards all forms of sexual abuse and sexual harassment at the facility. One sentence advises viewers that any information regarding sexual abuse or sexual harassment of an offender can be reported via the following:

- Ombudsman's Office (Phone number provided)
- State Pardons and Paroles, Office of Victim Services (mailing address provided)
- Confidentiality through the PREA Hotline (Number provided)
- Any staff member at the facility, written
- Through the offender's counselor
- Through a third party (explaining that third parties can make reports of sexual abuse or sexual harassment on behalf of the offenders.
- Anonymously

The information then advises the viewer that any allegation of sexual abuse or sexual harassment will be investigated thoroughly

The inmate PREA Brochure provides contact information for the following third-party reporters:

- Georgia Department of Corrections PREA Hotline (dialing instructions provided)
- Statewide PREA Coordinator (mailing address provided)
- Ombudsman (mailing address and phone number)
- Director of Victim Services (mailing address provided)

**Policy and Documents Reviewed: Georgia Department of Corrections Policy, 208.6, PREA; The Sumter County Correctional Institution Pre-Audit Questionnaire; GDC Policy, 227.02, Statewide Grievance Process; The Department's Website contains a section entitled: "How do I report sexual**

abuse or sexual harassment?"; Georgia Department of Corrections Website; The brochure entitled, "Sexual Assault, Sexual Harassment, Prison Rape Elimination Act – How to Prevent It and How to Report It"; Reviewed PREA Related Brochures (An Overview for Offenders – Do You Know Your Rights and Responsibilities?); PREA Related Posters; Report of Calls to the PREA Hotline in the past 12 months;

**Interviews:** Warden, PREA Compliance Manager; Twenty-Seven (27) inmates, Thirty (30) informally interviewed offenders; Seventeen (17) Randomly Selected Staff; Twenty-Four (24) Special Category Staff

**Observations:** Review of the Agency's Website (Georgia Department of Corrections

**Discussion of Policy and Documents:** The Georgia Department of Corrections and Valdosta State Prison provides 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 to be made to the GDC Ombudsman's Office, to the GDC TIP Line and to the agency's PREA Coordinator. Information is provided to inmates that allows them to call or write the Ombudsman's Office. They are also 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 also available for third party reports and an inmate's pin is not required to place a call using the "hotline". The auditor tested a phone and found it operational. Dialing instructions are posted at the phone.

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](mailto: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 Contact the Office of Victim Services (phone number and email address provided). Anyone wishing to make a report can do so anonymously however there is a request that as much detail as possible be provided.

The agency also has a TIP Line accessible to inmates and to third parties.

The Georgia Department of Corrections Home page provides the phone numbers of multiple departments/offices third party could call if they needed to.

The PREA brochure, An Overview for Offenders, Do You Know Your Rights and Responsibilities? Provides contact information for the GDC Sexual Assault Hotline, PREA Coordinator, State Board of Pardons and Parole Office of Victim Services, and through the Ombudsman's Office.

Family members, friends and other inmates, may make a report for a resident.

**Discussion of Interviews:** Staff were asked to name ways inmates can make reports or allegations of sexual abuse or sexual harassment. They consistently could name multiple ways and when asked if an inmate could report anonymously and through a third party, they said they could, and they would take those reports seriously like any other report and that they would report it verbally and complete a witness statement before the end of their shift. Inmates indicated they would report via the PREA Hotline or to staff. Most of the inmates who had family indicated a family member could report for them.

100% of the staff said inmates could get a third party to report for them and that they would take that report seriously and act immediately.

interviewed inmates were aware they could have a third party, including a parent, relative or another inmate report for them.

## OFFICIAL RESPONSE FOLLOWING AN INMATE REPORT

### Standard 115.61: Staff and agency reporting duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.61 (a)

- 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  No
- 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  No
- 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  No

#### 115.61 (b)

- 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  No

#### 115.61 (c)

- 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  No
- 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  No

#### 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, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?  Yes  No

#### 115.61 (e)

- 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  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

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The Georgia Department of Corrections Policy (SOP 208.06) mandates that all staff, contractors and volunteers report any knowledge, suspicion, or information they may receive concerning sexual assault or sexual harassment. They are required to report any retaliation they know about or have observed or are aware of. Additionally, they are expected to report any knowledge or information related to staff negligence of misconduct that may have resulted in a sexual assault. Staff are required to keep confidential, any information, knowledge or reports of sexual abuse or sexual harassment they may receive other than reporting to those who have a need to know and for management and security decisions. Medical staff are required to report all allegations of sexual abuse that comes to their attention.

The Sumter County CI requires that "in accordance with GDC Standard Operating Procedure 208.06, all personnel at the CI are provided PREA Training which instructs them in the proper procedure for reporting any incidents that are in any way related to PREA". Training also instructs staff that any information obtained is limited on a need to know basis for staff, and only for the purpose of treatment, security, and management decisions, such as housing, work, education and programming assignments. The memo also asserts that medical and mental health practitioners, unless precluded by Federal, State, or local law, are required to report sexual abuse and sexual harassment and to inform offenders of their duty to report and the limitations of confidentiality, at the initiation of services. Medical and Mental Health staff will be reported in accordance with policy to the appropriate personnel within Sumter County Correctional Institute.

Staff are trained and policy requires that any information they obtain or become aware of is limited to a need-to-know basis and only for the purpose of treatment, security and management decisions, such as housing, work, education, and programming assignments.

At the initiation of services, medical and mental health personnel understand that they are required to inform inmates of their duty to report and the limitations of confidentiality and any information medical or counseling staff receive will be reported in compliance with policy. This was confirmed through interviews with the Clinical Site Director/Lead Nurse and Registered Nurse.

There are no youthful offenders at this facility under the age of 18. Youthful offenders are housed at the GDC's Burruss Training Center in Forsyth, GA. This is confirmed through reviewing the Burruss Training Center Website and interviews with the agency's PREA Coordinator, Warden, staff and observations of inmates being interviewed and throughout the site review. In compliance with the Warden's Memo, if the alleged victim is considered a vulnerable adult under statute, the agency will report the allegation to the designated State or local services agency under applicable mandatory reporting laws.

Policies require all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports must be reported to the facility's designated investigators. All allegations are required to be reported to the staff's immediate supervisor who then notifies the Sexual Assault Response Team. The Warden/designee then will notify the GDC Statewide PREA Coordinator and the Regional Office whose Special Agent in Charge will provide and assign a GDC Office of Professional Standards Investigations Unit Investigator/ Special Agent, with arrest powers and extensive training in conducting investigations, to respond to the prison and begin the criminal investigation. The Warden is responsible for ensuring the notifications are made as soon as possible.

The Staff Guide on the Prevention and Reporting of Sexual Misconduct with Offenders discusses, in a section entitled, A Duty to Report, that staff must report any inappropriate staff/offender behavior immediately. Failure to report will result in staff being held accountable and sanctioned through dismissal. Reporting includes not only verbal reporting but following up with writing an incident report. Another section of the Guide requires that all employees have a duty to report immediately any findings in which inmates are having sexual relations with other inmates or staff.

The Department appears serious about Zero Tolerance, having a culture of zero tolerance and preventing sexual assault and sexual harassment and retaliation. This is reflected in the structure of the Department where the PREA Coordinator, reports to the Assistant Director of Compliance, who reports to the Assistant Director of the Compliance in the Office of Professional Standards yet allows the PREA Coordinator direct access to the Commissioner should she need it regarding any PREA related issue. The auditor, in a recent interview with the Commissioner of the Department of Corrections confirmed he supports all the efforts of the PREA Unit and is accessible to the Director of Compliance and the PERA Coordinator, whenever needed.

The agency has an ADA Coordinator who serves actively as a resource person for securing interpretive services for limited English proficient inmates/detainees and for disabled detainees/inmates who may be hearing or visually impaired to enable them to make reports of sexual abuse or sexual harassment and to participate fully in the agency's prevention, detection, responding and reporting program.

The training component for PREA also engages staff, with staff receiving Pre-Service Orientation as a newly hired staff during which they are exposed to the Prison Rape Elimination Act. Correctional staff

receive PREA training at Basic Correctional Officer's Training (BCOT) while attending the Peace Officers Standards BCOT Academy. All employees and contractors are required to attend Day 1, Annual In-Service Training that includes a block on PREA and includes all the topics required by the PREA Standards. The reviewed curriculum for annual in-service covered the topics outlined in the PREA Standards. Multiple training rosters documenting Annual In-Service Training, Day 1 for 2016, 2017, 2018, and 2019, that includes PREA training. Staff are trained to report all allegations regardless of how those allegations came to light and to report them immediately to a designated shift supervisor. They may also report to any member of the Sexual Assault Response Team. Upon making verbal notification, they are required to document the allegation in a written statement or an incident report and these must be completed as soon as possible but always prior to the end of the shift (or leaving the shift). Policy requires that reports of allegations of sexual assault or sexual harassment are limited to those with a need to know only and reports are generally made by radioing the Shift Supervisor to come to the area or taking the Inmate to the Supervisor's Office. Interviewed staff confirmed they are going to keep the reports limited to their immediate supervisor and anyone else only on a need to know basis.

Medical and mental health providers are required to report any knowledge, information, reports, or suspicions of sexual abuse or sexual harassment and are required to inform inmates at the initiation of services of the limits of confidentiality and their duty to report. This was confirmed through interviewing the Clinical Site Director and a Registered Nurse in addition to interviews with the Warden, Deputy Warden of Security and Deputy Warden of Care and Treatment/PREA Compliance Manager.

While interviewing the GDC Commissioner, the Commissioner showed the auditor how he is notified via message on his phone anytime a sexual assault occurs.

**Policy and Document Review:** Department of Corrections Policy, 208.6, Sexually Abusive Behavior Prevention and Intervention Program, F. Official Response Following and Inmate Report, 1. Staff and Department Reporting Duties; the reviewed Sexual Assault/Sexual Misconduct Prison Rape Elimination Act (PREA) Education Acknowledgment Statement; Agency and Staff Reporting, Staff and Agency Reporting Duties; Staff Guide on the Prevention and Reporting of Sexual Misconduct with Offenders; MEMO from the Warden Re: 115.61, Agency Reporting Duties

**Interviews:** Commissioner; Warden; PREA Coordinator (previous interview); Assistant PREA Coordinator (previous interview) PREA Compliance Manager/SART Leader; Special Agent/PREA Investigator for the Southwest Region; Facility Based Investigator; Office of Professional Standards Investigator; Deputy Warden of Security; Former Special Agent; Seventeen (17) Random Staff; Twenty-Four (24) Specialized Staff

**Discussion of Policy and Documents Reviewed:** Department of Corrections Policy, 208.6, Sexually Abusive Behavior Prevention and Intervention Program, F. Official Response Following and Inmate Report, 1. Staff and Department Reporting Duties, 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 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. 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. The Special Agent in Charge in the Regional Office will determine the appropriate response and assign a Special Agent to conduct the criminal investigation as indicated.

Staff, failing to comply with the reporting requirements of GDC Policy, may be banned from correctional facilities or will be subject to disciplinary action, up to and including termination. 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.

This facility does not house youthful offenders; however, 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. Also, 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. Multiple examples of staff acknowledgement statements were provided.

Policy requires that staff be aware of and attempt to detect to attempt to prevent sexual abuse, sexual harassment or sexual misconduct, through offender communications, comments to staff members, offender interactions, changes in offender behavior, and isolated or vulnerable areas of the institution.

**Discussion of Interviews:** The Department and the Warden requires that staff report all knowledge or information they have regarding an incident of sexual abuse or sexual harassment. That also includes reporting anything suspected.

Interviews with staff, both randomly selected staff (security and non-security) and specialized staff, affirmed that they must report "everything". When pressed about "everything" they consistently said they would report anything they knew, saw, or heard of. When asked about something they just suspected, they said they would have to report that as well. When asked if they would take an "anonymous" report and report it, they said they did not know how that would help but they would report it. Asked about another inmate reporting for another, they said they would take that seriously and report it too.

Staff stated they would be required to write a statement following an immediate report to their shift supervisor/Officer in Charge. When asked about a time frame for completing a written report they said within 24 hours was policy they thought but they could not leave the shift until the statement was written.

Staff indicated they had to take all things seriously even if the inmate had been known to report multiple times. Non-Uniform staff, like uniform staff, all confirmed they are mandated reporters and are going to report any knowledge, information, reports or suspicions of sexual abuse or sexual harassment and follow up with a written statement prior to the end of the shift.

When asked about reporting staff negligence that may have contributed to an incident of sexual abuse, they said they would report that as well.

When asked if they would report their supervisor if they witnessed or heard of the supervisor violating the zero- tolerance policy, they said they would.

When asked about any sanctions for failing to report, staff said they would be disciplined and most likely terminated from employment.

Interestingly the auditors ask and document the inmate's responses to the question, "Do you think staff would take reports of sexual abuse and sexual harassment seriously?" Twenty-Five (25) of Twenty-Seven (27) interviewed offenders stated they believed staff would take allegations of sexual abuse seriously.

## Standard 115.62: Agency protection duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.62 (a)

- 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  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

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The Pre-Audit Questionnaire; reviewed monthly PREA Reports, reviewed grievances and incident reports and interviews with staff confirmed there have been no inmates at risk of imminent sexual abuse during the past 12 months.

Staff are asked what actions they would take if they became aware that an inmate was at risk of imminent sexual abuse. At times they would ask for clarification. The auditor would give a situation in which an inmate tells the staff that they are afraid to go back into the dorm because they are afraid they are going to be sexually assaulted because of a debt they owe and cannot repay. Staff were consistent

in stating that if an inmate was at risk of imminent sexual abuse, they would take the inmate's report seriously and would separate him from the threat immediately. They indicated their first responsibility would be to separate the inmate from the threat after which they would report it to their immediate supervisor,

Staff were consistent in believing the supervisors would place the inmate in protective custody until the allegation could be investigated by the SART. Staff indicated that if possible, the inmate would be immediately removed from the threat and placed in another dorm or in involuntary protective custody, if there was no other place to keep them inmate safe.

The staff supervising segregation indicated that an inmate placed in involuntary protective custody would have access to programs and services like those of the general population. He indicated they could receive educational materials and possibly attend class, depending on the threat, or attend other programs they are enrolled in. He also stated they have access to the phone, to exercise, to counseling, medical and mental health, if needed.

Staff could not recall any inmate being placed in involuntary protective custody as the result of being at risk of imminent sexual abuse.

**Policy and Documents Reviewed:** GDC Policy 208.06, Prison Rape Elimination Act- PREA, Sexually Abusive Behavior Prevention and Intervention Program, Paragraph 2., Facility Protection Duties; SOP 209.06, Administrative Segregation; the Pre-Audit Questionnaire; Reviewed Grievances; Reviewed Incident Reports; Monthly PREA Reports; Reports of Calls to the PREA Unit

#### **Interviews:**

Warden; PREA Compliance Manager; Staff Supervising Segregation; Seventeen (17) Randomly selected staff; Twenty-Four (24) Special Category Staff; Twenty-Seven (27) Inmates; Thirty (30) informally interviewed offenders.

**Discussion of Policy and Documents:** GDC Policy 208.06, Prison Rape Elimination Act- PREA, Sexually Abusive Behavior Prevention and Intervention Program, Paragraph 2., 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 to be entered 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. 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. If the alleged perpetrator is a 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 reasons 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 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.

The Pre-Audit Questionnaire documented there have been no incidents in which an inmate was at substantial risk of imminent sexual abuse during the past twelve months. This was also confirmed through reviewing Monthly PREA Reports, Grievances, Incident Reports and interviews with the Warden, PREA Compliance Manager, Chief of Security, Deputy Warden of Security, randomly selected and specialized staff and randomly and targeted inmates.

**Discussion of Interviews:** Interviews with the Warden, PREA Compliance Manager, random and special category staff and Inmates, and reviewed incident reports (10%) for the past 12 months confirmed there were no inmates at risk of imminent sexual abuse in the past 12 months.

100% of the randomly selected staff who were interviewed related if they became aware that an inmate was subject to a substantial risk of imminent sexual abuse, the first thing they would do is remove that inmate immediately from the alleged threat, place him in a safe place or escort him to the supervisor's office, or place him temporarily in a segregation cell with single occupancy and notify their supervisor. When asked where they would place the inmate or where they thought he would be placed, they indicated the inmate would be probably be placed temporarily in protective custody until he could be transferred to a facility where he might feel safer. All the interviewed staff stated they would take the action immediately and when pressed to see what they themselves would do with an inmate making such an allegation, they often said they'd take him to a safe place, to the security office, to medical, or elsewhere until the supervisory staff made a decision about where to house him.

Supervisory and administrative staff indicated they would not want to place an inmate in segregation because of being at risk but it may be necessary to protect him until an investigation could be conducted and the inmate transferred if necessary, to help him feel safe. If the inmate cannot be safely housed in this facility, he would be transferred to another facility. Interviewed administrative staff indicated if the aggressor is known, he would be placed in segregation and sent back to prison if the allegation was substantiated.

None of the interviewed inmates stated they had ever been at risk of imminent sexual abuse and 100% of those interviewed stated that they felt safe at this facility.

## Standard 115.63: Reporting to other confinement facilities

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.63 (a)

- 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  No

#### 115.63 (b)

- Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?  Yes  No

#### 115.63 (c)

- Does the agency document that it has provided such notification?  Yes  No

#### 115.63 (d)

- Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This facility has not received any reports or allegations from other facilities that an inmate formerly housed at Sumter County CI had been abused at Sumter nor have they received any allegations from an inmate currently housed at Sumter County CI. This was confirmed through reviewing the facility's Pre-Audit Questionnaire, reviewed incident reports, reviewed grievances, calls to the hotline report for the past 12 months, and interviews with staff and inmates. The Warden, Deputy Warden of Security, and Deputy Warden of Care and Treatment/PREA Compliance Manager detailed the actions they would take in either case and that the notifications would be as soon as they became aware of an allegation and not later than 72 hours. The Warden would contact the Warden of the other facility, an allegation was made that an incident occurred at the other facility and the Warden and his team would cooperate with any investigation and initiate an investigation immediately upon receiving the allegation.

**Policy and Documents Reviewed:** GDC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, 3. Reporting to other Confinement Facilities; Pre-Audit

Questionnaire; Reviewed Incident Reports and Grievances filed during the past 12 months; (03) reviewed investigation packages

**Interviews:** Warden; PREA Compliance Manager, SART Members, Twenty-Seven (27) Inmates, Thirty (30) inmates informally interviewed.

**Discussion of Policy and Reviewed Documents:** GDC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive 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. This notification must be provided as soon as possible but not later than 72 hours after receiving the allegation. Notification is documented. The facility head or Department office receiving the notification is required to ensure that the allegation is investigated in accordance with the PREA Standards.

The facility's Pre-Audit Questionnaire (PAQ) documented and staff confirmed there have been no allegations during the past 12 months in which an inmate at this facility alleged sexual abuse at another facility.

The administrative staff knew and described the steps they would take in reporting to the sending facility and ensuring that if an investigation had not been initiated, starting an investigation. They also indicated if they received an allegation from another facility that an offender had been sexually abused while at this facility, they would cooperate with an investigation and conduct interviews or provide any additional information they might have. They indicated they would make the report immediately but were aware that the policy required notification within 72 hours.

**Discussion of Interviews:** Interviews with the Warden confirmed he is aware of the GDC Policy and that he has issued a written memo, Re: 115.63, Reporting to Other Confinement Facilities that responds to every substandard of the standard. This memo confirms the Warden to Warden communication and that this communication will occur as soon as the allegation is known. He also acknowledges the necessity to coordinate investigations with the other facility. The Warden indicated he would contact the head of the facility where an inmate was received from when an inmate alleged sexual abuse at another facility. This notification, he indicated occurs as soon as he becomes aware and not later than 72 hours after becoming aware of it. He also said he and his staff will cooperate with any investigation. The PREA Compliance Manager and Warden confirmed they are aware of the policy requiring reporting to other facilities upon receiving an allegation of sexual abuse that occurred in another facility. They also indicated if they received an allegation from another facility that an inmate, while assigned to this facility, was sexually abused at this facility, they would initiate an investigation and cooperate with any investigation and treat it as any other investigation. None of the interviewed inmates alleged sexual abuse at another facility.

## Standard 115.64: Staff first responder duties

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.64 (a)

- 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  No
- 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  No
- 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  No
- 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  No

### 115.64 (b)

- 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  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Georgia DOC Policy, 208.6, describes, in detail, actions to take upon learning that a resident has been the victim of sexual abuse.

The Sumter County CI Local Operating Procedure, 208.06, Official Response, Following an Offender Report, requires staff to follow the guidelines in the Local Operating Directive, the PREA Reporting Process (Sumter County CI), Memo from the Warden entitled: 115.64 Staff First Responder Duties; and Warden's Memo 115.65, Coordinated Response.

Georgia Department of Corrections requires that all staff and contractors having contact with inmates attend, minimally, Day 1 of Annual In-Service Training. Interviews with a cross-section of staff, including security staff, counseling staff, food service staff, and administrative staff, as well as specialized staff confirmed they attend Annual In-Service Training and are trained in their responsibilities as first responders. That training includes a refresher on first responding. The facility provided multiple training rosters documenting Annual In-Service Training for the years 2016, 2017, 2018, and 2019.

The PREA Reporting Process requires the first responder to do the following upon learning of a sexual abuse:

- Separate the alleged victim and aggressor
- Protect and preserve the crime scene, if any until evidence collection occurs
- If the alleged assault took place within 72 hours instruct the alleged victim and abuser not to destroy physical evidence, including not changing clothing, taking a shower, brushing teeth, urinating, defecating, drinking or eating
- Notify the Shift Supervisor/Officer in Charge
- Staff supervising inmates outside the facility when an offender reports an alleged abuse, call the facility and speak and speak with the shift supervisor on duty to report the alleged incident
- Warden is notified
- Administrative Duty Officer is notified
- PREA Compliance Manager is notified
- SART Members are notified
- SART Ensure victim receives or has had immediate medical examination and arrange for a mental health evaluation within 24 hours
- PREA Compliance Manager and SART Members interview the offender within 24 hours of report
- First responder forwards incident report to shift supervisor
- Warden/designee notifies the Field Operations Manager
- All Documentation forwarded to the PREA Unit

The agency's Sexual Assault Response Checklist is also used in responding to allegations of sexual abuse.

Staff carry a first responder card to refresh them if they need it in responding to an allegation or incident of sexual assault. The agency initiates a Sexual Assault Response Protocol serving as a checklist of actions to take.

Interviewed staff, including non-uniformed staff, explained the steps required as a first responder. They were consistent in their responses and the responses were consistent with the GDC Policy (208.06) and the Local Procedure Directive and Coordinated response Plan.

Correctional Staff consistently reported they would immediately separate the alleged victim from the alleged perpetrator, notify their supervisor, secure the crime scene, tell the victim and aggressor not to eat, shower, change clothes, use the restroom or brush their teeth. Some staff indicated that if possible, they would put the alleged perpetrator in a cell and cut off the water.

Medical staff explained what their roles would be as non-security first responders. They would do the same if they were the first person to become aware of an allegation or incident of sexual abuse. They explained their role would be to separate the inmate from the alleged aggressor and report the allegation and to assess the inmate but attempt to protect evidence that may be on the person or his clothing. They would conduct a visual assessment of the inmate but would take all precautions possible to protect the evidence.

The inmate would be taken to the Lily Pad SANE Center for a forensic exam. (this was confirmed through reviewing an incident of alleged sexual assault with penetration in which the inmate was taken to Albany, Georgia for a forensic exam conducted by a Sexual Assault Nurse Examiner. A chain of custody would be started, and the sexual assault kit turned over to the security staff at the facility, who would in turn, turn it over to the GDC Office of Professional Standards, Special Agent.

**Policy and Documents Review:** Georgia DOC Policy, 208.6; local protocol, "PREA Reporting Process"; Sumter County CI Local Operating Procedures; Warden's Memos regarding First Responding and Coordinated Response; Pre-Audit Questionnaire; SANE's List; Local Operating Directive Procedure, Sexual Assault Response Protocol/List; Monthly PREA Reports to the PREA Unit; (04) Reviewed Investigation Packages (one alleging penetration); Documentation of the Forensic Exam

**Interviews:** Seventeen (17) Randomly selected staff; Twenty-Four (24) Specialized staff; Facility-Based Investigator; Special Agent/PREA Investigator for the Southwest Region; Special Agent (Previous Interview); Office of Professional Standards Facility-Based Investigators (2) and PREA Compliance Manager. Informal Interviews with staff randomly selected during the site review

**Discussion of Policy and Documents:** Georgia DOC Policy, 208.6, describes, in detail, actions to take upon learning that a resident 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 IK01-0005, 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 actions 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 Local Operating Directive and the Valdosta State Prison Sexual Assault Response Plan, describe in detail the responses to an allegation of sexual abuse.

Staff are trained in first responding during annual in-service training, with refreshers in shift briefings and from the PREA Compliance Manager in meetings and briefings. This information was provided by staff during their interviews.

Non-custody staff have been trained in first responding. They receive the same annual in-service training during Day 1, that includes PREA. They could describe the steps they would take in response to being informed a resident had been sexually assaulted. They stated step by step the same procedures as correctional staff. The nurse stated that, in addition to conducting an assessment on the alleged victim would be to attempt to protect the evidence.

There were no occasions in which a non-security staff was the first responder.

**Discussion of Interviews:** Interviews with 17 randomly selected staff, representing both uniform and non-uniform staff and 24 specialized staff, including medical staff, confirmed they are knowledgeable of their roles as first responders. They detailed the steps they would take if they were the first person to be alerted that an inmate had been sexually assaulted/abused.

## Standard 115.65: Coordinated response

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.65 (a)

- 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  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This prison is essentially under one roof with dormitories all off of a long haul and situated on either side of the long hall. Medical Staff in close proximity of the housing units and nurses are on duty 24.7 at

this facility. The Facility's on-call physician may make the determination regarding movement of an inmate victim.

The facility's coordinated response plan is documented in the Prison's PREA Local Procedure Directive and Coordinated Response Plan and in the GDC Sexual Assault Response Plan (with notifications).

The facility has a Coordinated Response Plan to ensure that during an emergency, the Coordinated Response Plan serves as the Emergency Plan, like other emergency plans required for secure facilities and the GDC Sexual Assault Response Checklist serves as a coordinated response plan as well.

The Local Operating Directive provides guidance in notifying all parties when there is an allegation of sexual abuse. After the shift supervisor notifies the Warden and the Duty Officer, the Sexual Assault Response Team is notified. The directive provides ready reference names and phone numbers. The SART is composed of the PREA Compliance Manager/SART Leader, a representative from medical and from mental health. The victim advocate and the Special Agent in Charge at the Regional Office is notified.

**Policy and Documents Reviewed:** GDC Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, Paragraph 5, Coordinated Response; Local Operating Directive, Valdosta State Prison Sexual Assault Response Plan; GDC Sexual Abuse Response Checklist (GDC 208.06, Attachment 6); Local Operating Directive; Memo from Warden, Re: Coordinated Response Plan; PREA Reporting Process; PREA Monthly Reports; (04) reviewed investigation packages

**Interviews:** Warden, Deputy Warden/PREA Compliance Manager, Seventeen (17) Randomly Selected Staff; Twenty-Four (24) Specialized Staff (including medical)

**Discussion of Policies and Documents:** GDC Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, Paragraph 5, 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 Local Operating Procedure Directive and the Valdosta State Prison Sexual Assault Response Plan serve as the facility's Coordinated Response Plan. It identifies actions to be taken by various components of the facility in response to an allegation of sexual abuse. If there was a sexual assault allegation, the facility, complying with GDC Policy will initiate the Sexual Abuse Response Checklist that also identifies actions taken by staff in response to a report of sexual abuse or of sexual misconduct and sexual harassment.

The facility also uses the GDC Sexual Abuse Response Checklist (GDC 208.06, Attachment 6) to coordinate the actions and responses of first responders. This document becomes a part of the investigation package.

**Discussion of Interviews:** All the interviewed staff articulated their roles in responding to an allegation of sexual assault.

## Standard 115.66: Preservation of ability to protect inmates from contact with abusers

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.66 (a)

- 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 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?  Yes  No

### 115.66 (b)

- Auditor is not required to audit this provision.

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

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.

An interview with the Commissioner of the Georgia Department of Corrections confirmed that his Department is not involved in any form of collective bargaining and he can remove any staff from contact during an investigation and can remove them from employment for violating an agency sexual abuse or sexual harassment policy.

**Interviews:** Commissioner of the Georgia Department of Corrections; Warden; Statewide PREA Coordinator (previous interview); Statewide Assistant PREA Coordinator (previous interview); PREA Compliance Manager; PREA Coordinator as Agency Head Designee (previously).

**Discussion of interviews:** Interviews with the Warden, Statewide PREA Coordinator, Assistant Statewide PREA Coordinator, PREA Compliance Manager and previous interviews with the PREA

Coordinator serving as the Agency Head's Designee confirmed that Georgia is a Right to Work State and employees are all non-union and not involved in any form of collective bargaining. The Warden can remove any staff member from contact with inmates following an allegation of sexual abuse or sexual harassment.

## **Standard 115.67: Agency protection against retaliation**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.67 (a)**

- 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  No
- Has the agency designated which staff members or departments are charged with monitoring retaliation?  Yes  No

### **115.67 (b)**

- 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  No

### **115.67 (c)**

- 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  No
- 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  No
- 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  No
- 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  No

- 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  No
- 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  No
- 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  No
- 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  No
- Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?  Yes  No

#### 115.67 (d)

- In the case of inmates, does such monitoring also include periodic status checks?  
 Yes  No

#### 115.67 (e)

- 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  No

#### 115.67 (f)

- Auditor is not required to audit this provision.

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Sumter County CI Local Operating Procedure, 208.06, Paragraph G. Protection Against Retaliation asserts that the facility will protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with investigations pertaining to sexual abuse or sexual harassment from retaliation by other staff or offenders. The LOP also states the Warden will designate a staff member to serve as the facility Retaliation Monitor and identify them as such in the PREA Local Operating Directive and Coordinated Response Plan. The Warden has designated a Sergeant to serve as the Retaliation Monitor.

The LOP also asserts that measures will be taken to protect staff and offenders. These include but, according to the LOP, but are not limited to the following:

- Transfer of victims and abusers
- Removal of Staff from contact
- Provide emotional support services
- Monitoring for any changes by staff or offenders that suggest possible retaliation

Monitoring, according to the LOP will continue for at least 90 days following an allegation and beyond if necessary. Monitoring will include:

- Disciplinary Reports
- Housing (changes)
- Program Changes
- Negative performance reports
- Reassignments of staff

The Georgia Department of Corrections Retaliation Monitoring Form documents monitoring for 30, 60, and 90 days and identifies each of the items, minimally, that must be monitored. All the items on the retaliation monitoring form are those required by the GDC Policy and the PREA Standards.

The Georgia Department of Corrections has a zero tolerance toward retaliation against any inmate/detainee or staff who report an allegation of sexual abuse or sexual harassment. This is expressed and documented in GDC Policy 208.06, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program.

The Warden of Valdosta State Prison asserts in memos to all staff, dated, January 22, 2017, October 1, 2018 and January 11, 2018, that that the GDC has a zero-tolerance policy for retaliation toward staff or inmates who report an allegation in good faith. He also asserts that employees and inmates will be subject to disciplinary sanctions if found to participate in retaliation toward any staff or inmate. Those memos also identify the Retaliation Monitor.

The Warden has designated the Chaplain to serve as the Retaliation Monitor. He has served in this role since 2017. An interview with the retaliation monitor indicated he understands and is knowledgeable of the prevention measures the facility might take in a given situation to prevent retaliation in the first place. Prevention measures include separating the alleged victim and abuser by placing them in separate dorms when possible or in protective custody and the alleged perpetrator in segregation. If a staff is involved that staff may be placed on some form of "no contact" until the investigation is over. Reviewed investigation packages contained documented retaliation monitoring using the GDC

Retaliation Monitoring Form. That form documented monitoring such things as DRs, movements to other dorms, and changes in details. Similarly, for staff, monitoring would include changes in shifts, posts, details, and performance reports and write ups.

**Policy and Documents Reviewed:** GDC Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program; Sumter County CI Local Operating Procedure, 208.06; 90 Day Offender Sexual Abuse Review Checklist (GDC Form);

**Interviews:** Sergeant Designated as the Facility's Retaliation Monitor; Warden; PREA Compliance Manager; Seventeen (17) Randomly selected staff; Twenty-Four (24) Specialized Staff; Twenty-Seven (27) Inmates including those randomly selected and targeted; Thirty (30) Informally Interviewed Inmates

**Discussion of Policy and Documents Review:** GDC Policy 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program and Sumter County CI Local Operating Procedures, affirms the agency and facility 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. The Warden designated a Sergeant to serve as the Retaliation Monitor.

Additionally, policy and the Sumter County Local Operating Procedure provides multiple protection measures including housing changes for inmates, transfers, removal of alleged staff or inmate abusers from contact with victims and emotional support for inmates or staff who fear retaliation. 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 the following: review of inmate disciplinary reports, housing or program changes, negative performance reviews or reassignments of staff etc. Monitoring may continue beyond 90 days if the initial monitoring indicates the need for it. Periodic status checks of inmates will be conducted. 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 Georgia Department of Corrections 90 Day Offender Sexual Abuse Review Checklist includes documenting the reviews of the following at 30, 60 and 90 days:

- Offender Disciplinary Report(s) History
- 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

Upon learning of an allegation, whether staff or inmate or inmate on inmate, the alleged victim and alleged aggressor will be separated. For an inmate that may mean placing either the alleged victim or alleged aggressor or both, temporarily, in administrative segregation. If a staff is involved the staff will be separated from the alleged victim by placing the staff either on a post away from the inmate or

placing the staff on administrative paid leave while an investigation is going on and placing a staff on administrative leave with pay is the most likely scenario according to the Warden.

The Retaliation monitor, a facility Sergeant identified and discussed his role in preventing retaliation and in monitoring retaliation and explained to the auditor that he looks at things like inmates Disciplinary Reports, Grievances, Housing Changes, and Changes in Programming. For Staff he would monitor Posts Changes, Disciplinary Write Ups, Shift changes and anything else that might indicate potential retaliation.

A review of 04 Investigations consistently documented multiple occasions of monitoring retaliation. One incident alleging penetration was assigned to the Office of Professional Standards for Investigation., consequently the investigation package did not have a notification of the outcome to the inmate nor did it contain a retaliation monitoring form because the inmate went to another prison for a mental health evaluation and has not returned. Each investigation requiring retaliation monitoring contained documented on the GDC Retaliation Monitoring Form the Retaliation Monitor checking all the indicators for retaliation. There were no staff involved in an allegation that required monitoring for retaliation. The monitor informed the auditor that he sits down with each victim every 30, 60 and 90 days to ask them how they are doing and if they have experienced any retaliation.

**Discussion of Interviews:** The Retaliation Monitor for the Sumter County CI is a Sergeant. In an interview with the retaliation monitor, he was asked about and described possible prevention measures including changing dorms, changing detail assignments, changing programs, etc. and for staff, placing them on “no-contact”, reviewing shift assignment changes, and performance reviews and that they would use the GDC Form guiding the items to check that might indicated retaliation. He indicated he monitors inmates each 30, 60 and 90 days. The monitor indicated he would be checking things like DRs, Dorm Changes, Work Detail Changes etc. Monitoring occurs every 30, 60, and 90 days and is documented on the GDC Retaliation Monitoring Form. He indicated his job is to keep a “close eye” on anyone making an allegation of sexual abuse or sexual harassment or who cooperates with an investigation into an allegation of sexual abuse and sexual harassment.

The monitor indicated that any alleged victim will be removed and separated from the alleged perpetrator and placed in a safe environment. If an officer was involved in an allegation, the officer would be placed on “no contact” and depending on the nature of the allegation, would be placed on a post away from contact with the Inmate. The Warden stated if a staff was named in an allegation his placement on no contact would be determined on a case by case basis but could include placing him on no contact.

## Standard 115.68: Post-allegation protective custody

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.68 (a)

- 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  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

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**Policy and Documents Reviewed:** Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, D. Screening for Risk of Sexual Victimization and Abusiveness, 3. GDC Policy, 208.06, IV.d.3 (a-d) Administrative Segregation; Sumter County Correctional Institute Local Operating Procedure

**Interviews:** Warden; PREA Compliance Manager; Staff Supervising Segregation; Randomly Selected Staff (17); Special Category Staff (24); Inmates (27).

**Discussion of Policy and Documents:** Department of Corrections Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, D. Screening for Risk of 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 HN09-0001, Administrative Segregation.

The reviewed Pre-Audit Questionnaire documented that there were no inmates who alleged to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment; none for longer than 30 days while awaiting alternative placement. If an involuntary segregated housing assignment is made, the facility provides a review at least every 30 days to determine whether there is a continuing need for separation from the general population. This was also confirmed through interviews with staff and inmates.

The Georgia GDC Policy, 208.06, IV.d.3 (a-d) Administrative Segregation, requires that offenders at high risk for sexual victimization are not placed 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. This 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.

Inmates at high risk for sexual victimization are housed in the general population. Generally, inmates at high risk for victimization will be placed in one of the dorms identified as providing a safer environment with no aggressors assigned to the dorm. They are not placed in segregated housing and would not be placed there unless there were no other options for safely housing the detainee/resident.

If there was no place to safely house a potential or actual victim, the victim will be temporarily housed in the administrative segregation area but would be expeditiously transferred to another facility where he could feel safe.

If an inmate is assigned to involuntary segregated housing it is 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.

Inmates in involuntary protective custody, in compliance with policy, will have access to programs and services like those of the general population, including access to medical care, mental health, recreation/exercise, education, and the phone. The staff member supervising segregation stated, in an interview, that any inmate placed on involuntary protective custody will have access to programs, including education. They would also have their tablets enabling them to communicate with family.

Individual Records are required and will document, among other required things, all activity such as bathing, exercise, medical visits, program participation and religious visits. It should also include documentation of unusual occurrences.

**Discussion of Interviews:** The Warden, PREA Compliance Manager, and staff supervising segregation, indicated that placing someone in involuntary protective custody would be a last resort and may be used only in the absence of any other safe place to house the resident. They may be placed in there temporarily to determine what happened. Potential Victims of sexual abuse are not housed in a dorm designated solely for potential or actual victims.

If the inmate could not be safely housed in the facility, he could be transferred to another prison.

The PREA Compliance Manager, and Staff Supervising Segregation indicated, in their interviews, that there have not been any inmates involuntarily placed in segregation or protective custody during the past 12 months.

An interview with staff supervising segregation indicated if an inmate was placed in involuntary segregation, they would be placed there with the reasons documented on GDC Form 1. He also stated

the inmate would have access to things like medical services, counseling; recreation; visitation; and phone, as well as recreation.

## INVESTIGATIONS

### Standard 115.71: Criminal and administrative agency investigations

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.71 (a)

- 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  No  NA
- 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  No  NA

#### 115.71 (b)

- 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  No

#### 115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?  Yes  No
- Do investigators interview alleged victims, suspected perpetrators, and witnesses?  Yes  No
- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?  Yes  No

#### 115.71 (d)

- 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  No

#### 115.71 (e)

- 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  No

- 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  No

#### **115.71 (f)**

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?  Yes  No
- 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  No

#### **115.71 (g)**

- 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  No

#### **115.71 (h)**

- Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?  Yes  No

#### **115.71 (i)**

- 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  No

#### **115.71 (j)**

- 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  No

#### **115.71 (k)**

- Auditor is not required to audit this provision.

#### **115.71 (l)**

- 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).)  Yes  No  NA

### **Auditor Overall Compliance Determination**

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Georgia Department of Corrections Policy (208.06) requires that all reports of sexual abuse or sexual harassment will be considered allegations and will be investigated. Policy requires investigations are conducted promptly, thoroughly and objectively. It also requires, and staff confirmed, that allegations or reports, including any knowledge, information or suspicions are taken seriously and are investigated. These include reports made verbally, in writing, from third parties and from anonymous sources.

GDC Policy 1K01-0006, Investigation of Allegations of Sexual Contract, Sexual Abuse, and Sexual Harassment of Offenders requires that allegations of sexual contact, sexual abuse, and sexual harassment filed by sentenced offenders, against departmental employees, contractors, vendors or volunteers ne report, fully investigated, and treated in a confidential and serious manner. It requires staff attitudes and conduct towards such allegations will be professional and unbiased, and staff member are required to cooperate with investigations into those matters. Policy also requires that investigations are conducted in such a manner as to avoid threats, intimidation, or future misconduct.

The investigations policies and procedures require that as soon as an incident of sexual contact, sexual abuse, or sexual harassment, comes to the attention of staff, the staff receiving the information is required to immediately inform the Warden and/or the Institutional Duty Officer, and/or Internal Investigations, now known as the Office of Professional Standards Investigators, verbally and followed up with a written report to the Warden. Incidents, according to the procedures, VIA., include rumors, inmate talk", and all kissing, sexual abuse and sexual harassment.

This policy, along with GDC Policy 208.06, require that failure to report may result in disciplinary action, up to and including dismissal.

The Office of Professional Standards Investigators have the responsibility, power, and authority to investigate allegations of sexual abuse and the power to arrest. The Warden of the facility where the incident allegedly happens contacts the Regional Office's Special Agent-in-Charge to have a special agent assigned to investigate the criminal allegation.

The Georgia Department of Corrections has several layers of investigators. An Office of Professional Standards investigator may be assigned to a specific facility and may conduct investigations related to contraband, use of force, gang related activity, and if needed, sexual abuse. The Office of Professional Standards Investigator has completed mandated training. Mandated training is that training required by

the state for any law enforcement officer and that training is 11 weeks. These staff have that authority to arrest.

Special Agents are also Office of Professional Standards assigned to one of the three Regional Offices in the state and are assigned by the Special Agent in Charge. Special Agents have completed mandated law enforcement training and an additional 13 weeks of training provided by the Georgia Bureau of Investigations at the GBI Academy. The Special Agent has had extensive training in conducting investigations, including investigations of sexual abuse in a confinement setting, has arrest powers, and conducts investigations into allegations that appear to be criminal in nature.

At the facility level, investigations are initiated by the local Sexual Assault Response Team. These include a primary facility-based investigator and a member from medical and counseling and/or mental health. The facility-based investigator has completed the on-line training entitled: "PREA: Conducting Sexual Abuse Investigations in a Confinement Setting." All the SART Members at Valdosta State Prison have completed the National Institute of Corrections Specialized Training, "PREA: Investigating Sexual Abuse in a Confinement Setting". The local SART conducts the initial investigation. If the allegation appears criminal and in all cases of penetration, the allegation is referred by the Warden or Duty Officer, in his absence, to the Special Agent in Charge, who will assign a criminal investigator (Special Agent). Investigations into allegations of sexual abuse may be documented locally as unsubstantiated but may be referred on to the Special Agent for investigation for investigation into the alleged criminal conduct.

Department staff, the Sexual Assault Response Team and those receiving the initial allegations, are required by policy to take appropriate steps to ensure the preservation and protection of all evidence, including crime scene in accordance with another SOP (SOP 1K01-005).

Policy (1K01-0006) discusses general guidelines for conducting the investigation and these included:

- OPS will keep the Warden apprised of the status of the case.
- All interviews may be recorded by video or audio
- All documents, videos, polygraph results, and all other evidence will be treated as confidential
- Names of complainant and/or alleged victim will be confidential as required by the statutes
- A trained counselor will be made available to counsel the alleged victim before he is first interviewed by the investigator

These may be included in the investigation:

- Conducting video or audio recorded interviews
- Taking witness statements from all witnesses and all other parties
- All known documents
- All known photos
- All known physical evidence

According to policy (1K01-0005) the investigation continues even if the following occur:

- Alleged victim or complainant refuses to cooperate with the investigator
- Whether local, state, or federal agency conducts its own investigation, subject to binding limitations or restrictions imposed by the courts or the agency
- If the accused employee resigns during the investigation

Investigations must be completed within 45 calendar days from the date of the assignment. When there is a backlog in testing rape kits in the State's Crime Lab, the investigation may take longer. An interview with a Special Agent indicated that the lab does not have a backlog at this time.

If there is an allegation of sexual abuse, staff trained as first responders separate the alleged victim and alleged aggressors and ensure that the crime scene, including the bodies of the alleged victim and perpetrator as well as the area where the alleged offense occurred, are treated as crime scenes and actions are taken to protect the evidence that may be on them. If during the initial investigation by the SART, the allegation appears to be criminal in nature, the Warden or designee will contact the Regional Office to secure a Special Agent, who has arrest powers and extensive investigatory training at the Georgia Bureau of Investigations Academy.

The Special Agents, the staff who will conduct investigations of allegations that appear criminal in nature, will consult with the district attorney to consider referral for prosecution when the evidence appears to support criminal prosecution and compelled interviews are conducted only after consulting with the prosecutors to ensure the interviews may not be an obstacle for subsequent criminal prosecution.

A previous interview with a Special Agent, previous and current interviews with an Office of Professional Standards Investigator, two interviews with Officer of Professional Investigators assigned to facilities, and a previous interview with the Deputy Warden of Security who was a Special Agent prior to his promotion and an interview with the facility-based investigator indicated that they would assess the credibility of an alleged victim, suspect or witness on an individual basis and not on the basis of identify, status and would make the determination on an individual basis and that it would be based only on the evidence.

The facility-based investigator also confirmed they would not put an alleged victim on a polygraph or other truth telling device as a condition for proceeding with the investigation and that under these circumstances the investigation would continue:

- When the victim recants
- When an employee involved in an investigation terminates his/her employment prior to the conclusion of an investigation
- When an alleged victim or alleged abusing inmate departs the facility prior to a completed investigation

Administrative and Criminal Investigations are documented in reports. Administrative Investigations conducted by the Sexual Assault Response Team typically include an Incident Report, Supplemental Report, Witness Statements, Video, if applicable, and an Investigation Summary.

Special Agent Reports, which are criminal investigations, are much more thorough and include the following: 1) Case Report Face Sheet; 2) Executive Summary; 3) Exhibit List; 4) Investigative Case Summary; 5) Personal Demographics Summary; 6) Offender Store History; 7) Personal Data Summary; 8) Witness Statements; 9) Photos; 10) Waiver of Rights; 11) Consent to Search; 12) Videos; 13) Oath of Office; 14) Warrant for Arrest.

**The auditor reviewed 4 of 4 Allegations/Investigation packages. They included the following:**

**The following allegations were made during that time period:**

- The auditor reviewed 3 of 3 Allegations/Investigation packages. The 3 investigations included the following:
  - Allegations of Staff on Inmate Sexual Harassment: 01
  - Allegations of Inmate on Inmate Sexual Harassment: 00
  - Allegations of Staff on Inmate Sexual Abuse: 01
  - Allegations of Inmate on Inmate Sexual Abuse: 01
  - Unsubstantiated: 01
  - Substantiated: 00
  - Unfounded: 01
  - Pending with the Office of Professional Standards/ 01
  - Special Agent

Reviewed investigation packages were comprehensive and contained Incident Reports, Supplemental Reports, Inmate Information, Witness Statements, Investigation Summaries, Notification to Inmates, Incident Reviews, where applicable, and Retaliation Monitoring Forms.

The Agency Facility-Based Investigator/SART enters the alleged incident and notifications into the agency's database, enabling the Agency's PREA Coordinator and Assistant PREA Coordinator to review the investigations in a computer-based program. Investigators upload their investigation packages into the program where they can be viewed and reviewed. If additional information should have been looked at the PREA Unit requires the investigator to go back and secure the information requested. Upon satisfaction that they investigation was appropriate, the PREA Unit approves the submission. This provides an additional measure of quality assurance in the investigative process.

**Policy and Documents Reviewed:** Georgia Department of Corrections Policy, 208.6, G. Investigations; GDC Standard Operating Procedure, 1K01-0006, Investigation of Allegations of Sexual Contact, Sexual Abuse, and Sexual Harassment of Offenders; Computerized Training Roster for Sexual Assault Response Team dated 3/26/2018 documenting six (6) SART Members from Sumter County Correctional Institute; (4) Reviewed Investigation Packages; PREA Investigation Summary; PREA Initial Notification Form; GDC Incident Report; Reviewed NIC Certificates; Reviewed Special Agent Criminal Investigation Report; Coordinated Response Plan; Pre-Audit Questionnaire

**Interviews:** Warden, Agency PREA Coordinator; PREA Compliance Manager; SART Members; Special Agents (2); Facility-Based Investigator; Two (2) Office of Professional Standards Investigators; Seventeen (17) Random Staff; Twenty-Four (24) Specialized Staff; Twenty-Seven (27) Inmates, both randomly selected and targeted; Thirty (30) inmates informally interviewed

**Discussion of Policy and Documents Reviewed:** Georgia Department of Corrections Policy, 208.6, G. Investigations and 1K01-0006, Investigation of Allegations of Sexual Contact, Sexual Abuse, and

Sexual Harassment or Offenders asserts that the 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 Special Agent In-Charge and the Department's PREA Coordinator immediately upon receipt of the allegation. If an investigation cannot be cleared at the local level, the Special Agent In-Charge determines whether to open an official investigation and if so, dispatches an 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. 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 of physical and testimonial evidence, reasoning behind the credibility of assessments and investigative facts and findings. 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.

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.

The facility has a Sexual Assault Response Team. The team consists of a lead member who initiates the investigation, medical staff, and a counselor. Six (6) Sexual Assault Response Team Members have completed the National Institute of Corrections Specialized Training, "PREA: Investigating Sexual Abuse in a Confinement Setting".

At the conclusion of each sexual abuse investigation, the PREA Team meets and discusses the allegations and findings of the investigator and essentially reviews the incident in compliance with the GDC Policy related to Incident Reviews.

The facility documented four (4) allegations of sexual abuse and/or sexual harassment

The GDC PREA Unit has implemented a system in which staff enter the investigation into the GDC data system enabling the PREA Unit to review investigations for quality assurance purposes. If the PREA Unit believes the investigation needs additional information, the facility investigator is notified. The PREA Coordinator indicated that either she or the Assistant PREA Coordinator or the PREA Analyst must approve an investigation prior to closure.

**Discussion of Interviews:** An interview with the Warden confirmed that all allegations are taken seriously and are referred to the agency with the responsibility for conducting criminal investigations, when applicable. He, the Deputy Warden of Care and Treatment and Deputy Warden of Security

affirmed the facility's Sexual Assault Response Team conducts an initial investigation into all allegations. When an allegation appears criminal, the Duty Officer and Warden are notified, and they contact the Regional Office Special Agent who assigns a Special Agent to investigate. Any allegation of penetration must be referred on to the OPS Special Agent in Charge. An interview with the facility - based investigator indicated he has completed the on-line specialized training, "PREA: Conducting Sexual Abuse Investigations in Confinement Settings". Six (6) staff have completed the specialized online training provided by the NIC. Reportedly this was done to ensure there are back-ups to members of the SART. Two (2) Certificates documented the PREA Compliance Manager and an additional staff, completing the course, Advanced Sexual Assault Investigations, provided by the Georgia Network to End Sexual Assault (GNESA).

The investigator also explained and described the steps he would take in initiating and conducting an investigation.

Interviews with the Facility Based Investigator, Special Agents, and Office of Professional Standards Investigators confirmed the credibility of the victim, alleged perpetrator and witnesses based on the evidence and not on the offender's status or identity or any other factors including how many times the offender has alleged sexual abuse or sexual harassment. The investigation, they related would continue even if the victim recanted, if a staff involved terminated his employment prior to a completed investigation, or if an inmate victim or abuser departed the facility prior to the completed investigation.

The investigation would include witness statements from the alleged victim, perpetrator and any potential or actual witnesses. The investigator would also look at staff rosters, assignments for that shift, and review any camera footage that may be available. Interviews with the SART members confirmed the investigation process.

Interviews with facility staff, both those randomly selected and special category, confirmed that most of them knew the SART conducts sexual abuse investigations in this facility and could name each member of the SART and their specific roles.

## Standard 115.72: Evidentiary standard for administrative investigations

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### 115.72 (a)

- 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  No

### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard (Requires Corrective Action)**

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This facility complies with the Georgia Department of Corrections Policies, Sumter County Correctional Institute Local Operating Procedure, and PREA Standards related to notifying inmates the results of an investigation at the conclusion of the investigation. Three (3) of the four (4) investigations into allegations of sexual abuse and sexual harassment contained documentation of notification to the inmates following an investigation. One allegation has been turned over to the Office of Professional Standards for investigation into a criminal allegation. The form used to notify inmates is the Georgia Department of Corrections Notification Form. This form documents every item required by policies and the standards. Inmates are asked to sign and date the notifications documenting that they received the notification and a copy is placed in the investigation package. Interviewed SART members confirmed the notification process.

**Policy and Documents Reviewed:** The Georgia Department of Corrections Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, Section G. 14. Sumter County Correctional Institute, 208.06; Three (3) Reviewed Notifications to Inmates following investigations into sexual abuse and sexual harassment

**Interviews:** Warden; Deputy Warden/ PREA Compliance Manager; Facility-Based Investigator; SART Leader.

**Discussion of Policy and Documents Reviewed:** The Georgia Department of Corrections Policy 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, Section G. 14, 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.

The Facility-Based Investigator affirmed in an interview, that the standard of evidence to substantiate an allegation of sexual abuse is "the preponderance of the evidence".

## **Standard 115.73: Reporting to inmates**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.73 (a)**

- 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  No

### **115.73 (b)**

- 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.)  Yes  No  NA

#### **115.73 (c)**

- 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 posted within the inmate's unit?  Yes  No
- 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  No
- 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  No
- 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  No

#### **115.73 (d)**

- 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  No
- 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  No

#### **115.73 (e)**

- Does the agency document all such notifications or attempted notifications?  Yes  No

#### **115.73 (f)**

- Auditor is not required to audit this provision.

## Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The agency's standard operating procedure, 208.06, Reporting to Inmates, requires that inmates who are in custody of the Georgia Department of Corrections are entitled to know the outcome of the investigation. The inmate must be notified whether the allegation was determined to be substantiated, unsubstantiated, or unfounded. All notifications or attempted notifications are documented.

If the allegations involved a staff member, the staff making the notification will, using the GDC Inmate Notification Form, inform the inmate whenever:

- The staff is no longer posted in the institution
- The staff is no longer employed at the institution
- The staff has been indicted on a charge related to sexual abuse with the institution or the staff has been convicted on a charge related to sexual abuse within the institution

If the allegation involved another inmate, staff are required to inform the alleged victim when the alleged abuser has been”

- Indicated on a charge related to sexual abuse within the institution or;
- The alleged abuser has been convicted on a charge related to sexual abuse within the institution

Notifications are documented on the GDC Notification Form that documents all the above.

The auditor reviewed 30 of the 58 investigation files. Notifications were consistently documented in the files.

The investigator is knowledgeable of the investigative process and the requirements that inmates are notified at the conclusion of the investigation of the results of the investigation.

**Policy and Documents Reviewed:** GDC Policy 208.06, Prison Rape Elimination Act – PREA, Sexually Abusive Behavior Prevention and Intervention Program, G.15; Reviewed GDC Notification Form,

Attachment 5, GDC 208.6; Pre-Audit Questionnaire; Reviewed Investigation Packages, including notification forms

**Interviews:** Warden, PREA Compliance Manager; Facility-Based Investigator; Sexual Assault Response Team Leader; Inmates (26)

**Discussion of Policy and Documents Review:** 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 208.06, 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. 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. 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 GDC Policies.

If an outside entity conducts the investigation the agency/facility will request the relevant information from the agency conducting the investigation to inform the resident of the outcome of the investigation.

A member of the SART is required to notify the resident when a staff member is no longer posted within the resident's unit; the staff member is no longer employed at the facility; the agency learns that the staff member has been indicted 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. The agency would also notify the resident when the agency learns that the alleged abuser has been indicted 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 notification form would document, for the resident, if the investigation was determined to be substantiated, unsubstantiated, unfounded or referred to OPS. If the allegation is determined to be substantiated, unsubstantiated, or unfounded, the resident is notified of any of the following if applicable:

- Staff member is no longer posted within the inmate's unit
- Staff member is no longer employed at the facility
- Staff member has been indicted on a charge related to sexual abuse within the facility
- Staff member has been convicted on a charge related to sexual abuse within the facility
- The alleged abuser (offender) has been indicted on a charge related to sexual abuse within the facility
- The alleged abuser (offender) has been convicted on a charge related to sexual abuse within the facility
- Other: Include explanation of why "other:" was checked.

**Discussion of Interviews:** Interviews with the Facility-Based Investigator/PREA Compliance Manager indicated that she or a member of SART would be responsible for notifying the inmates of the outcome of the investigation. Staff who were interviewed were knowledgeable of the items listed on the

notification. The SART will use the required GDC Notification Form, Attachment 5, GDC 208.6, and the interviewed investigator confirmed that is the document used to notify the inmate.

## DISCIPLINE

### Standard 115.76: Disciplinary sanctions for staff

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?  Yes  No

#### 115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?  Yes  No

#### 115.76 (c)

- 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  No

#### 115.76 (d)

- 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  No
- 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  No

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

## Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The facility has not had any substantiated allegations of either sexual abuse or sexual harassment during the past 12 months. This was confirmed through reviewed investigation packages, grievances, incident reports, calls to the PREA Hotline report for the past 12 months, reviewed SANE Medical Logs, reviewed monthly PREA Reports for the past 12 months and reviewed PREA Meeting Minutes for the past 12 months. If the facility did have a substantiated allegation the Warden and Deputy Warden of Security indicated the staff would be placed on no contact following an allegations or placed on administrative leave and if the allegation is substantiated, the staff will be banned from coming into the facility, and will be disciplined up to and including termination and referral for prosecution, if the District Attorney believes there is enough evidence to do so.

The GDC Policy requires that staff who engage in sexual abuse with offenders and violate and agency sexual abuse and sexual harassment are banned from all Georgia Correctional Institutions and subject to disciplinary sanctions up to and including termination and termination is the presumptive sanction. If the allegation was criminal in nature, recommendations may be made for referral for prosecution. Special Agents work with the District Attorneys to determine if, and when, they have enough evidence to refer for prosecution. Administrative investigations in which staff violate policy, may result in a staff member being disciplined up and including dismissal.

If an offense was less than sexual abuse the appropriate sanction would 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. This was confirmed through interviews with the Warden and PREA Compliance Manager. Staff interviews confirmed the likely sanction for violating a sexual abuse or sexual harassment policy would be termination.

Failure to report is cause for disciplinary action up to and including termination.

The Georgia Department of Corrections has a zero tolerance for sexual abuse and sexual harassment and if there is a substantiated case of sexual abuse, the presumptive sanction is termination from employment and possible referral for prosecution. The Department requires each facility to have a "Wall of Shame" that contains the photos of staff who have been arrested for issues including contraband and staff misconduct, including staff misconduct with an inmate. Staff acknowledge in the PREA Acknowledgment the potential sanctions, including arrest and referral for prosecution and the punishment if found guilty. Staff also sign a Code of Conduct/Ethics Acknowledgement as well.

Staff and contractors found to have engaged in sexual misconduct/abuse will be banned from correctional institutions or subject to disciplinary sanctions up to and including termination and staff may be referred for criminal prosecution. Contractors and volunteers will be banned from any contact with inmates and reported to law enforcement agencies, unless the activity was not criminal. Appropriate licensing agencies and/or the Georgia Peace Officer Standards and Training Council will be notified.

There have been no allegations and therefore no substantiated allegations against any staff or contractor at the facility.

**Policy and Documents Reviewed:** Department of Corrections Policy, 208.6, Prison Rape Elimination Act, H. Discipline, 1. Disciplinary Sanction for Staff; Sumter County Correctional Institution Local Operating Procedure, 208.06; GDC Sexual Assault/Sexual Misconduct Prison Rape Elimination Act (PREA) Education Acknowledgment Statement for Employees and Unsupervised Contractors and Unsupervised Volunteers; Reviewed Pre-Audit Questionnaire;

**Interviews:** Warden; PREA Compliance Manager, Human Resources, Volunteer Coordinator, Contractors; Facility-Based Investigator; Previous Interviews with Special Agents and Office of Professional Standards Investigators

**Discussion of Policy and Document Review:** 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 also be referred for criminal prosecution when appropriate.

The presumptive disciplinary sanction for sexual touching and violation of sexual abuse policies is termination. Violations of Department policy related to sexual abuse or sexual harassment (other than engaging in sexual abuse) will 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. If an allegation is substantiated by the Special Agent conducting the sexual abuse investigation, the Agent will consult with the local District Attorney and a warrant for the staff's arrest will be taken if warranted and approved by the District Attorney.

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 (Special Agent) unless the activity was clearly not criminal. These cases are also reported to the Georgia Peace Officers Standards and Training Council (POST) for uniformed staff.

Substantiated cases of nonconsensual sexual contact between offenders or sexual contact between a staff member and an offender will be referred for criminal prosecution. This was confirmed through interviews with the Warden, PREA Compliance Manager/SART Leader, and interviews with Special Agents and Office of Professional Standards Investigators.

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 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 staff understand 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. The auditor reviewed 40 PREA Acknowledgment Statements signed by employees and contractors.

To deter staff from violating the agency's sexual abuse policies and for other reasons, the facility, as in all other Department of Corrections Facilities, has a "Wall of Shame" that has the photos of staff who

have violated their oath of office and/have had personal dealings with offenders, including bringing contraband.

In addition to being barred from all facilities and possible referral for prosecution, the offending staff, if a security staff, will be reported to the Peace Officers Standards Training Council.

**Discussion of Interviews:** Interviews with the Warden, PREA Compliance Manager, Deputy Warden of Security; 17 randomly selected staff and twenty-four specialized staff, indicated that the facility has a zero-tolerance for all forms of sexual activity. If a staff was involved in an allegation of sexual abuse the staff would most likely be placed on no-contact with that resident and could possibly be placed on administrative leave, with pay, while an investigation was being conducted. If the allegations were substantiated, the staff would be banned from all GDC facilities and most likely the employee would be terminated and referred for prosecution by the OPS Investigator after consulting with the District Attorney.

## **Standard 115.77: Corrective action for contractors and volunteers**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.77 (a)**

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?  Yes  No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?  Yes  No

### **115.77 (b)**

- 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  No

### **Auditor Overall Compliance Determination**

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Contractors and Volunteers are provided information related to the Zero Tolerance Policy and sign an acknowledgment statement affirming they understand the prohibited behaviors as well as the potential consequences for violating them. During the past 12 months there have been no substantiated allegations against any contractor or volunteer. This was confirmed through reviewed investigation packages for the past 12 months, reviewed incident reports, reviewed grievances, reviewed reports to the PREA Hotline, Monthly PREA Reports to the GDC PREA Unit, reviewed Monthly PREA Meetings, and interviews with the Warden, Deputy Warden of Care and Treatment/PREA Compliance Manager and Deputy Warden of Security. These staff indicated any contractor or volunteer violating an agency sexual abuse or sexual harassment policy will be removed from the facility, banned from entering the facility, as well as being banned from any GDC facility statewide. The auditor also reviewed PREA Acknowledgement Statements for contractors and volunteers.

GDC has a zero tolerance for any form of sexual abuse or sexual harassment. Contractors and Volunteers are advised of that policy and explained the consequences for violations. Any contractor or volunteer who violates any agency sexual abuse or sexual harassment will be immediately barred from the facility and placed on a ban for entering any GDC facility. Pending investigation, the contractor or volunteer will not be allowed entry into this facility or any other GDC facility. The local law enforcement will be notified, and a recommendation will be made to refer the contractor or volunteer for prosecution.

If the contractor or volunteer is a licensed person, the licensing agency will also be notified.

**Policy and Documents Reviewed:** GDC Policy, 208.06, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, Paragraph #2. Contractors and Volunteers; GDC Sexual Assault/Sexual Misconduct Prison Rape Elimination Act (PREA) Education Acknowledgment Statement for Employees and Unsupervised Contractors and Unsupervised Volunteers; Pre-Audit Questionnaire

**Interviews:** Warden; Deputy Warden/PREA Compliance Manager; SART Members; Medical and Food Service Contracted Staff;

**Discussion of Policies and Reviewed Documents:** GDC Policy, 208.06, 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.

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.

Contractors and Volunteers, 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 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 staff understand 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. The auditor reviewed 10 PREA Acknowledgment Statements for Volunteers and Contractors.

**Discussion of Interviews:** Interviews with the Warden; PREA Compliance Manager; SART Team, and a review of 04investigation packages confirmed that there no allegations made against any volunteer or contractor. If there had been, the Warden indicated the volunteer or contractor would be prohibited from coming into the facility while the investigation is being conducted. If the investigation determined the allegation was substantiated, the volunteer local law enforcement would be notified, and a recommendation would be made to refer the volunteer for prosecution. Interviews with one volunteer and three (3) contractors confirmed understanding zero tolerance and potential sanctions for violating GDC Policies.

## Standard 115.78: Disciplinary sanctions for inmates

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.78 (a)

- 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  No

### 115.78 (b)

- 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  No

### 115.78 (c)

- 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  No

### 115.78 (d)

- 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  No

#### 115.78 (e)

- 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  No

#### 115.78 (f)

- 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  No

#### 115.78 (g)

- 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  No  NA

#### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

#### Instructions for Overall Compliance Determination Narrative

*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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The facility has not had any Disciplinary Reports generated during the past 12 months that were PREA related. This was confirmed through reviews of 4 of 4 investigation packages, reviewed incident reports, grievances, monthly PREA reports, calls to the PREA Hotline in the past 12 months, and interviews with staff, including the Due Process Officer, who is the Captain and Chief of Security.

PREA related Disciplinary Reports may be generated as the result of an investigation into an allegation of sexual abuse or sexual harassment. Following a due process hearing, GDC uses an Offender Disciplinary Code Sheet to follow after a due process hearing documenting that offenses designated as either "great" or "high" severity offenses, that include sexual assault or soliciting sexual activity, may be sanctioned by 1) Isolation one to fourteen days; 2) Referral to Classification Committee for review; 3) Disciplinary transfer; 4) Removal from specified programs; 5) Affect issuance of a warrant for violation of law; 6) Prisons restriction on privileges for up to 90 days; 7) Impound personal property for days; 8)

Change in work or quarters assignment; 9) Extra duty for two hours/day up to 90 days and 13 other sanctions. If the allegation of sexual assault is substantiated, the Special Agent may consult with the district attorney and refer the inmate for prosecution. The Code Sheet addresses violations of statutes and asserts that inmates under the jurisdiction of the State Board of Corrections

The due process officer related that an inmate could receive sanctions in-house as well as be referred for prosecution. Violations are now divided up into severity categories including "Great" for the most severe violations and "High" for the next most serious violations. Sexual Assaults would be considered "Great" violations that may carry sanctions including 14 days disciplinary segregation, 60 days extension of tentative parole date, and disciplinary transfer from the facility. Harassment charges are more likely to fall into the "High" category of violations and carry disciplinary sanctions including 7 days in confinement and 30 days loss of phone privileges. To ensure fairness in the proceedings, inmates may request the presence of an advocate at their due process hearing. The Due Process Officer indicated in considering culpability of an offender and the most appropriate sanctions, he would consider the inmate's mental status, how well he understands the rules and expectations, as well as other limitations that might be documented. These may receive a lesser but appropriate sanction depending on the violation. Others would receive sanctions similar to what is commonly the appropriate sanction for similar or same violations.

**Policy and Documents Reviewed:** GDC Policy, 208.6, Sexually Abusive Behavior Prevention and Intervention Program, H. Discipline, Paragraph 3. Disciplinary Sanctions for Offenders, Sumter County CI Local Operating Procedures, 208.6; Pre-Audit Questionnaire; Reviewed incident reports

**Interviews:** Warden; PREA Compliance Manager/SART Leader; SART Members; Due Process Officer

**Discussion of Policy and Documents Reviewed:** 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 it is considered a disciplinary issue. Paragraph b. requires that offenders are subject to disciplinary sanctions pursuant to a formal disciplinary process following an 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.

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.

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.

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.

The GDC Disciplinary Process and Policies follow the standards of the American Correctional Association and inmates are afforded a formal due process hearing in accordance with those standards.

This was documented by the Agency's most recent quality assurance audit. Inmates may also have an advocate present if they request it.

Following a due process hearing, GDC uses an Offender Disciplinary Code Sheet to follow after a due process hearing documenting that offenses designated as either "great" or "high" severity offenses, that include sexual assault or soliciting sexual activity, may be sanctioned by 1) Isolation one to fourteen days; 2) Referral to Classification Committee for review; 3) Disciplinary transfer; 4) Removal from specified programs; 5) Affect issuance of a warrant for violation of law; 6) Prisons restriction on privileges for up to 90 days; 7) Impound personal property for days; 8) Change in work or quarters assignment; 9) Extra duty for two hours/day up to 90 days and 13 other sanctions. If the allegation of sexual assault is substantiated, the Special Agent may consult with the district attorney and refer the inmate for prosecution. The Code Sheet addresses violations of statutes and asserts that inmates under the jurisdiction of the State Board of Corrections

are subject to all laws of the United States and of the State of Georgia and any inmate violating these laws may be charged and tried for that violation in the same manner as any other citizen in the appropriate state or federal court. The filing of charges in a judicial court of record for a violation of state or federal laws does not in any way prevent or preclude the administrative handling of the same act as a prisons disciplinary manner or of the taking of disciplinary action against the inmate.

## MEDICAL AND MENTAL CARE

### Standard 115.81: Medical and mental health screenings; history of sexual abuse

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.81 (a)

- 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?  Yes  No

#### 115.81 (b)

- 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  No  NA

#### 115.81 (c)

- 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?  Yes  No

#### 115.81 (d)

- 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  No

#### 115.81 (e)

- 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  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

GDC Policy, 208.06, asserts that if an inmate's intake assessment indicated the inmate has experienced any prior victimization or has perpetrated any sexual abuse, whether in an institutional setting or in the community, the inmate will be offered a follow-up meeting within 14 days of the intake screening. This will be documented on the inmate's intake screening instrument. Any information related to sexual victimization or abusiveness that occurred in an institutional setting is required to be strictly limited to necessary staff maintaining strict confidentiality.

During the initial PREA Assessment (Victim/Aggressor) if the inmate endorses the question about having been a previous victim of sexual abuse, the counselor offers the inmate a referral to mental health. The inmate may choose to refuse. If the inmate wants to have a follow-up with mental health, the counselor makes the referral.

At Sumter County CI, if an offender's intake assessment indicates that he has experienced any prior to victimization or has perpetrated sexual abuse, whether it occurred in an institutional setting or in the

community, the offender will be offered a follow-up meeting within fourteen (14) days of the intake screening. Documentation is required to be noted on the offender's intake screening instrument. Information related to sexual victimization or abusiveness that occurred in an institutional setting will be strictly limited to necessary staff maintaining strict confidentiality.

Mental health treatment services are provided by Rutledge State Prison. Sumter County CI will obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

Forensic exams, if needed, are conducted at the facility. The facility received one allegation involving any form of penetration in the past 12 months. If there is an allegation of penetration, as there was in this case, the inmate will be taken to the Lily Pad SANE Center to have a forensic exam conducted by a SANE.

The forensic exam is provided by a SANE nurse without financial cost to the inmate. This was confirmed through an interview with the Lead Nurse.

**Policy and Documents Reviewed:** GDC Policy 208.06, Sexually Abusive Behavior Prevention and Intervention Program, I., Medical and Mental Health Care; Pre-Audit Questionnaire; Victim/Aggressor Assessments

**Interviews:** Lead Nurse; Counselor; SART Leader; Deputy Warden of Care and Treatment/PREA Compliance Manager, Staff who administer the Victim/Aggressor Assessments; (27) Randomly Selected Inmates

**Discussion of Reviewed Policy and Documents:** 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

If an inmate discloses prior victimization during the initial intake victim/aggressor assessment, the offender will be offered a follow-up with either medical or a mental health practitioner. This follow-up is offered and will be completed within 14 days of the intake screening. The inmate may choose to refuse the offer and if so, the refusal will be documented.

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. None of the reviewed files or instruments documented having perpetrated prior sexual abuse.

The interviewed staff stated if an inmate disclosed a previous history of sexual abuse during the initial PREA Assessment, the inmate will be offered a follow-up with mental health.

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. Inmates sign a consent for evaluation and a consent for treatment.

**Discussion of Interviews:** Interviews with counseling staff who conduct the victim/aggressor assessment and the PREA Compliance Manager confirmed that the victim/aggressor assessment asks the inmates about prior victimization and prior abuse. They all are aware that this disclosure must result in a referral to a medical or mental health practitioner within 14 days. Inmates can refuse the referral. Interviewed inmates who reported having been victims of previous sexual abuse indicated they were offered mental health services and follow-up or were already on the mental health caseload.

## Standard 115.82: Access to emergency medical and mental health services

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.82 (a)

- 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  No

### 115.82 (b)

- 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  No
- Do security staff first responders immediately notify the appropriate medical and mental health practitioners?  Yes  No

### 115.82 (c)

- 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  No

### 115.82 (d)

- 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  No

### Auditor Overall Compliance Determination

**Exceeds Standard** (*Substantially exceeds requirement of standards*)

**Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

**Does Not Meet Standard (Requires Corrective Action)**

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

GDC Policy and Practice ensures that inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services and the services are within the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment. This was confirmed through reviewed policies and procedures, reviewed monthly PREA reports, SANE Logs, incident reports, investigation packages and Interviews with staff, inmates, PREA Compliance Manager, Lead Nurse, a previous interview with the Agency's Contracted SANEs (2); previous interview with the Lily Pad Director.

Sumpter County Correctional Institute medical staff are on duty 24/7 and consists of three (3) Registered Nurses, four (4) Licensed Practical Nurses, two (2) PRN Licensed Practical Nurses, one (1) medical doctor onsite once a week, and a Licensed Professional Counselor onsite once a week.

GDC Policy requires that when an inmate makes an allegation of sexual abuse, the inmate will be interviewed in private to determine the nature and timing of the assault and extent of physical injuries. First Aid and emergency treatment will be provided in accordance with good clinical judgment. If the assault occurred within the previous 72 hours, the inmate will be counseled regarding need for a medical evaluation to determine the extent of injuries and testing and treatment for sexually transmitted infections. If the inmate needs emergency care beyond the capability of the facility, he will be transported to the local hospital.

The Sumter County Correctional Institute Local Operating Procedure, 115.82, Access to Emergency Medical and Mental Health Services, requires victims of sexual abuse to be seen onsite by medical staff in a timely manner and if onsite medical staff determine a medical emergency exists, offenders will be transported to Phoebe Sumter Medical Center. Transportation will be by transport vehicle or ambulance to ensure their prompt treatment.

Interviewed health care staff indicated that if there was a sexual assault, the alleged victim would be brought to medical where staff would conduct a Nursing Assessment using the Nursing Assessment Tool, ask questions only for medical purposes, and conduct a visual exam. Staff indicated if the inmate needed emergent treatment he would be transported to the hospital for treatment. If a forensic exam is needed, the inmate may be taken to the Lily Pad SANE Center in Albany, Georgia where the exam would be conducted by a SANE.

The SANE and health care staff will be utilized to provide the victim with information about access to emergency prophylactic treatment of sexually transmitted infections. Inmates are not charged for PREA related issues and treatment.

If the assault occurred more than 72 hours prior to being reported, the decision as to where the medical evaluation will occur is made on a case by case basis.

Sexual Assault Nurse Examiners are provided through an agreement with the Lily Pad SANE Center in Albany, Georgia. The inmate would be offered testing for HIV and other Sexually Transmitted Infection and offered STI Prophylaxis. The facility's physician would also have to approve the recommendation and order for the prison to provide it.

Security and non-security staff are trained as first responders and their roles are to separate the alleged victims from alleged perpetrators, try to protect any evidence, suggesting the victim not eat, drink, use the restroom or change clothes, and require the alleged perpetrator not do those things as well that could destroy evidence. Interviewed staff articulated their roles as first responders and non-uniform staff responded with all the elements of first responding just as the uniformed staff did.

**Policy and Documents Reviewed:** GDC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program; GDC Standard Operating Procedures, VH85-0002; Medical Management of Suspected Sexual Assault, Abuse or Harassment; GDC Standard Operating Procedure, VH85-0001; Forensic Information; Sumter County Correctional Institute Local Operating Procedure 208.6; Memo, 115.82, Access to Emergency Medical and Mental Health Services; Procedure for SANE Evaluation/Forensic Collection; Medication Guidelines for Sexual Assault Patients; National Protocol for Sexual Assault Medical Forensic Examinations, 2<sup>nd</sup> Editions, Major Updates; PREA Medical Logs; Coordinated Response Plan;

**Interviews:** The Warden; PREA Compliance Manager; Lead Nurse, Registered Nurse; Facility-Based Investigator; Previous interviews with two Sexual Assault Nurse Examiners; Sexual Assault Response Team Leader; Randomly Selected Staff; Security and Non-Security First Responders;

#### **Discussion of Reviewed Policies and Documents:**

Inmate victims of sexual abuse receive timely and 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. This was confirmed through interviews with medical and mental health providers.

Health care services at the Prison are available at this facility 24/7. There is a medical doctor who is on call for after hour consultation.

GDC Policy, 208.6, Prison Rape Elimination Act, Sexually Abusive 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 the 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 the Lead Nurse. 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. 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 judgment. 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 the offender (if no SANE's is 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 Nurse (from the list of SANE Nurses) shall be immediately notified and an appointment scheduled for the collection of forensic evidence. The facility provided the auditor with a list of SANEs who can be called to come to the facility to conduct the Sexual Assault Forensic Exam. This 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 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.

When an inmate has been the victim of sexual abuse, medical staff assess the inmate to ensure there are no life threatening or emergency needs, and if stable, initiate the Nursing Protocol, contact the SANE or Doctor and, if needed, be taken to the local or other Hospital to be stabilized.

### **Standard 115.83: Ongoing medical and mental health care for sexual abuse victims and abusers**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

#### **115.83 (a)**

- 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  No

#### **115.83 (b)**

- 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  No

#### **115.83 (c)**

- Does the facility provide such victims with medical and mental health services consistent with the community level of care?  Yes  No

#### **115.83 (d)**

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if all-male facility.)  Yes  No  NA

#### **115.83 (e)**

- 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.)  Yes  No  NA

#### 115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?  Yes  No

#### 115.83 (g)

- 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  No

#### 115.83 (h)

- 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  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Sumter County Correctional Institute Local Operating Procedure, 208.6, P. Medical and Mental Health Care requires that prompt and appropriate medical and mental health services are provided in compliance with the GDC Policy and the PREA Standards. And in accordance with the Georgia Department of Corrections Standard Operating Procedures regarding medical and mental health care.

The facility offers medical and mental health evaluation and, if needed, treatment to all inmates victimized by sexual abuse in a prison, jail, lockup or juvenile facility and as appropriate, the facility

offers appropriate follow-up services and mental health evaluation, including referrals for continued care following transfer or placement in other facility or their release from custody.

The facility had one allegation of penetration in the past 12 months. Documentation confirmed the inmate was provided a forensic exam at the Lily Pad Sexual Assault Nurse Examiner Center and was also referred for a mental health evaluation on 1/30/2019 and seen by a mental health professional on 1/31/2019 for a mental health evaluation. In this case, as the result of the evaluation, the inmate was placed on the mental health caseload as a mental health level II inmate. This is the follow-up provided.

Victims of sexual assault are assessed following an allegation to determine the presence and extent of any injuries. Nursing staff, responding to a sexual assault do a visual exam to assess injuries and If there are no injuries requiring care at the hospital, the inmate is taken to the Lily Pad SANE Center for a forensic exam conducted by a Sexual Assault Nurse Examiner. The inmate is offered STI Prophylaxis and testing for STIs. The facility has the capacity to provide these if needed and ordered by the facility physician.

Mental Health assessments are conducted on victims of sexual abuse and they are either offered services or are continued in care on the caseload, if already on the mental health caseload.

Medical and mental health staff provide services consistent with the community level of care, consistent with the GDC Policy, VH-08-0002. This was confirmed through interviews with the Lead Nurse and a Registered Nurse at the Sumter County CI.

There are no female inmates at this prison therefore inmates obviously are not offered pregnancy tests nor is the substandard regarding providing timely and comprehensive information about and timely access to all lawful pregnancy related medical services.

Inmates would be offered STI prophylaxis either at the hospital or in the facility, and as recommended by the Sexual Assault Nurse Examiner and ordered by the Doctor and if the inmate requested it after it is offered.

**Policy and Documents Reviewed:** GDC "Procedure for Sane Nurse Evaluation/Forensic Collection: GDC Policy 208.6, PREA; Sumter County CI Local Operating Procedure, 208.6; Investigation Package of inmate alleging penetration; mental health referral; Reviewed Pre-Audit Questionnaire;

**Interviews:** Warden; PREA Compliance Manager; Lead Nurse; Registered Nurse; Previous interviews with two Sexual Assault Nurse Examiners; SART Team; Randomly selected and targeted inmates

**Discussion of Policy and Documents Reviewed:** The agency's "Procedure for Sane Nurse Evaluation/Forensic Collection" provides specific actions required when an inmate alleges sexual abuse/assault. It also 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 a facility specific coordinated response plan (Local Procedure Directive) that specifies the actions for first responders; Sexual Assault Response Team, Medical and Mental Health. GDC Policy requires that victims of sexual abuse are provided health care services, including the forensic exam at no cost to the victim. This is confirmed through review of the GDC PREA Policy as well as interviews with medical staff. GDC Policy requires that the facility attempt to conduct a mental health evaluation of all known resident on resident abusers within 60 days of becoming aware of such history and offer treatment as appropriate.

The facility provided documentation of a mental health referral for the only allegation of penetration at the facility in the past 12 months. The alleged victim reported the incident on 1/30/19 and was taken to the Lily Pad SANE Center for a forensic exam and was referred the same day for a mental health follow-up. Documentation was provided confirming both the referral and the evaluation conducted by a mental health professional. Offenders have the right to accept or refuse the services.

If an inmate had to go to the hospital for a forensic exam, the hospital would offer the inmate STI prophylaxis. If the inmate had his forensic exam at the Lily Pad SANE Center, the SANE will recommend the STI prophylaxis and the staff will administer it on the doctor's orders. Any follow-up as the result of a sexual assault would be provided by the facility.

**Discussion of Interviews:** The Lead Nurse, Registered Nurse, Warden, and PREA Compliance Manager confirmed the process for providing ongoing physical and mental healthcare services. Inmate victims of sexual abuse, identified as potential victims as well as any inmate who becomes a victim, is offered a follow-up with mental health.

## DATA COLLECTION AND REVIEW

### Standard 115.86: Sexual abuse incident reviews

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.86 (a)

- 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  No

#### 115.86 (b)

- Does such review ordinarily occur within 30 days of the conclusion of the investigation?  Yes  No

#### 115.86 (c)

- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?  Yes  No

#### 115.86 (d)

- 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  No
- 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  No

- 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  No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts?  Yes  No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?  Yes  No
- 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  No

### 115.86 (e)

- Does the facility implement the recommendations for improvement, or document its reasons for not doing so?  Yes  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

This facility, in compliance with the Georgia Department of Corrections, Sumter County Correctional Institute Local Operating Procedures, and the PREA Standards, conducts 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. These reviews are conducted within 30 days of the conclusion of the investigation.

The review team includes upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners. Members of the Incident Review Team include the following:

- Warden

- Deputy Warden of Security
- Administrative Assistant to Warden
- Counselor
- Investigator

This was confirmed through interviews with the Warden, Deputy Warden of Security, Administrative Assistant, Counselor and Investigator, as well as the PREA Compliance Manager and the reviewed Sexual Abuse Incident Review Checklists for each of the allegations of sexual abuse.

Using the GDC Incident Review Form, the following are a part of the review process:

- Consider whether the allegations or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse whether the incident or allegation was motivated by race, ethnicity, gender identity, gay, lesbian, bisexual, transgender or intersex identification status or perceive status, gang affiliation or was motivated or otherwise caused by other group dynamics at the institution.
- Examine the area where the incident allegedly occurred to assess any physical barriers in the area that may enable abuse
- Assess the adequacy of staffing levels in that area during various shifts

The review team, in compliance with policy and confirmed in interviews, then will prepare a report of its findings to the Warden (who sits on the Team and documents his review on the Sexual Abuse Incident Review Checklist) and PREA Compliance Manager/Deputy Warden of Care and Treatment who are authorized to implement the recommendations for improvement or document the reasons for not doing so.

Reviewed Sexual Abuse Incident Review Checklist for allegations of sexual abuse documented review and consideration of all items on the Review Checklist. The review is reviewed by the Warden; however, the Warden sits on the team. The report is forwarded to the PREA Compliance Manager. All reviews were conducted within 30 days of the conclusion of the investigation.

**Policy and Documents Review:** 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; Monthly Sexual Abuse and Sexual Assault Program Review; Pre-Audit Questionnaire; Calls to the PREA Unit Hotline in the past 12 months; Monthly PREA Reports; Sampled Incident Reports and Grievances for the past 12 months

**Interviews:** Warden; PREA Compliance Manager; SART Members

**Discussion of Policies and Documents:** The auditor reviewed all four of the investigation packages to determine if incident reviews were conducted as required. The results are discussed later in this section.

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 allegations deemed to be substantiated and unsubstantiated. Reviews of unfounded allegations are not necessary.

This 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.

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.

The reviews are required by policy to be conducted at the end of the investigation. Interviews with team members confirmed the reviews are required to be conducted within 30 days of the conclusion of the investigation and that the team would consider, what motivated the incident (identification, status, gang related etc.), where it happened, blind spots, the presence of cameras, staffing and other items included on the Incident Review Checklist (Sexual Abuse Incident Review Checklist).

Documentation in the form of Sexual Abuse Incident Review Checklist indicated the facility conducts incident reviews and considers all the elements required in the standards.

## **Standard 115.87: Data collection**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.87 (a)**

- 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  No

### **115.87 (b)**

- Does the agency aggregate the incident-based sexual abuse data at least annually?  Yes  No

### **115.87 (c)**

- 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  No

### **115.87 (d)**

- 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  No

#### 115.87 (e)

- 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  No  NA

#### 115.87 (f)

- 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  No  NA

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

Data, if any, is collected, reviewed annually and maintained from all available incident-based documents, including reports, investigation files and sexual abuse reviews.

Upon request all data from previous calendar years will be provided to the Department of Justice.

The aggregated sexual abuse data will be readily available to the public at least annually through the Georgia Department of Corrections. Before making the data available, the Department will remove all personal identifiers. Some information may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the institution, but it will but, the nature of the material redacted will be indicated.

This facility has had only four allegations of sexual abuse or sexual harassment in the past 12 months. These were reported to the Georgia Department of Corrections PREA Unit in reviewed Monthly Reports. This facility also provided 50 months of minutes of the PREA Team Meetings.

**Policies and Documents Review:** GDC Policy 208.06, Prison Rape Elimination Act, Sexually Abusive Behavior Prevention and Intervention Program, J.3; Georgia Department of Corrections Annual Report; Monthly PREA reports to the GDC PREA Unit; Reports from the GDC PREA Analyst

**Interviews:** Statewide PREA Coordinator (previous interview); Assistant Statewide PREA Coordinator (previous interview); PREA Compliance Manager; Warden

**Discussion of Policies and Documents:** 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-based sexual abuse data at least annually. The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the US Department of 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. Upon request, DOC provides data from the previous calendar year to the US Department of Justice no later than June 30<sup>th</sup>.

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 is 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.

The auditor reviewed the most recent Georgia Department of Corrections Annual Report. The Agency issues annual PREA reports and posts them on the GDC Website. The auditor reviewed the 2017 Georgia Department of Corrections Prison Rape Elimination Annual Report. The thirteen-page report was detailed and comprehensive. The report indicated that the Georgia DOC has 34 prisons, 13 Transition Centers, 9 probation detention centers, 5 substance abuse and integrated treatment facilities and 4 private prisons. Data is collected from each of the facilities and aggregated. Georgia DOC compiles and investigates PREA allegations in 4 major categories including 1) Staff on inmate Abuse, 2) Staff on Inmate Harassment, 3) Inmate on Inmate Abuse, and 4) Inmate on Inmate Harassment. The report provided data regarding the total number of allegations from all facilities and then it breaks the allegations down into those that were substantiated, unsubstantiated and unfounded. A chart then breaks down the data by facility. The 2017 report indicated there was a 21% increase in allegations reported and this was attributed to and the addition of county and private facility allegations, the improvement in reporting as well as the effect of increased staff and inmate education. The substantiated cases remained constant and an increase in the total number of allegations is influenced by process improvements and prevention training.

The report included initiatives by the Department. In 2017 the PREA Unit implemented a database for all allegations. The database records all reported PREA incidents that are sorted into queues including Pending SART Investigator, Pending PREA Coordinator Review, and Completed Cases. This enhanced the PREA Coordinator's ability to be more involved in the investigative process as allegations are reported. The PREA Coordinator reviews provide a check and balance system to ensure the dispositions are in compliance with the investigation standards. Beginning in 2018 the PREA became

able to ensure all allegations are accompanied by an incident report and all federal-related data recorded as the cases occur. This is accomplished through the SCRIBE Module.

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. The PREA Compliance Manager related the facility sends a monthly PREA report (208.06, Attachment 2), to the Agency's PREA Analyst. This report, according to the compliance manager, consists of the numbers of PREA Cases, victims and predators, statistics on allegations of sexual abuse, assaults, grievances filed, the results of investigations and a response to the question, "was the investigation or allegations sent to the OPS investigators.

In addition to the monthly PREA statistical report submitted by each facility; the facility also submits to GDC, a Monthly Operational Report, providing statistics on a multitude of topics, including PREA incidents. The monthly PREA Report documents all allegations/incidents of sexual abuse or sexual harassment. The auditor reviewed all twelve months of reports to the PREA Unit.

The PREA Analyst provides the auditor, prior to each audit; reports documenting the disabilities of inmates; lists of inmates disclosing prior victimization (when available), as well as an email documenting the names of inmates contacting the PREA Hotline during the past twelve (12) months. The disability report enables the auditor to identify inmates/inmates who are hearing or visually impaired or who have some other form of disability.

The Department's PREA Unit now has access to investigations through a module that allows staff in the unit to review investigations for quality. Reviewing staff may instruct the facility investigator to conduct additional inquiry or investigation and will not authorize the closure of that investigation until the PREA Unit reviews and approves the investigation.

Interviews with the PREA Compliance Manager and Warden confirmed the facility provides the required data, if any, to the GDC PREA Unit by reporting immediately any allegations or incidents of sexual abuse at the facility as well as monthly in the monthly PREA Report sent to the GDC PREA Coordinator.

## Standard 115.88: Data review for corrective action

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.88 (a)

- 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  No
- 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  No

- 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  No

#### 115.88 (b)

- 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  No

#### 115.88 (c)

- 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  No

#### 115.88 (d)

- 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  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### Instructions for Overall Compliance Determination Narrative

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The agency and facility reviews data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including identifying problem areas and taking corrective action as necessary on an ongoing basis.

The GDC requires each facility to maintain PREA related data and to report to the GDC PREA Unit, monthly the number of allegations of sexual abuse and sexual harassment, including inmate on inmate and staff, contractor, volunteer on inmate. The auditor reviewed the Facility PREA Reports 12 months prior to the on-site audit. The agency collects the data for each facility and aggregates it at least

annually and provides comparisons from previous years as well as actions the Department has taken as a result of analysis of the data. The annual reports are comprehensive and informative.

**Policy and Documents Reviewed:** Georgia Department of Corrections 2017 Annual Report; Agency Website; Monthly Facility PREA Reports; 50 Monthly PREA Meeting Minutes, Sexual Abuse Incident Review Checklists

**Interviews:** Warden; PREA Compliance Manager; Members of Incident Review Team; Previous interview with the Agency's Statewide PREA Coordinator and Agency Assistant Statewide PREA Coordinator

**Policy and Document Review:** 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.

Likewise, the agency collects data from each facility and reviews the aggregated 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 it is to collect and analyze the data.

## Standard 115.89: Data storage, publication, and destruction

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

### 115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?  
 Yes  No

### 115.89 (b)

- 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  No

### 115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?  Yes  No

### 115.89 (d)

- 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  No

### **Auditor Overall Compliance Determination**

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

**Policies and Documents Reviewed:** GDC Policy 208.06, Prison Rape Elimination Act -PREA, Sexually Abusive Behavior Prevention and Intervention Program, VI. Record Retention of Forms Relevant to this Policy

**Interviews:** Statewide PREA Coordinator (previous interview); Assistant Statewide PREA Coordinator, PREA Compliance Manager; Warden; PREA Compliance Manager

**Discussion of Policies and Documents:** Georgia Department of Corrections makes all aggregated sexual abuse data from all facilities under its direct control and private facilities with whom it 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.

GDC Policy 208.06, Prison Rape Elimination Act -PREA, Sexually 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 this policy and 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.

Criminal investigation 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.

The facility has not had any allegations of sexual abuse or sexual harassment in the past 12 months and in the past 3 years. The PREA Compliance Manager related that data collected will be securely retained. All sexual abuse data will be available to the public on the prison's website and in annual

reports. All personal identifiers will be removed as it pertains to confidentiality. All data collected will be maintained no less than 10 years from the initial date of collection.

## AUDITING AND CORRECTIVE ACTION

### Standard 115.401: Frequency and scope of audits

All Yes/No Questions Must Be Answered by the Auditor to Complete the Report

#### 115.401 (a)

- During the three-year period starting on August 20, 2013, and during each three-year period thereafter, 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? (N/A before August 20, 2016.)  
 Yes  No  NA

#### 115.401 (b)

- During each one-year period starting on August 20, 2013, 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?  Yes  No

#### 115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility?  
 Yes  No

#### 115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?  Yes  No

#### 115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, inmates, and detainees?  
 Yes  No

#### 115.401 (n)

- 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  No

### Auditor Overall Compliance Determination

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Georgia Department of Corrections ensures that 1/3 of their prisons are audited each year for compliance with the PREA Standards each year so that at the end of the 3-year cycle, all prisons have been audited.

The Sumter County Correctional Institute was previously audited for compliance with the PREA Standards in 2016. The report documented the facility exceeding in three standards and in compliance with the remaining standards.

**Policy and Documents Reviewed:** GDC Policy, 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, K. Audits; Notices of PREA Audit; GDC Policy, 208.06, Prison Rape Elimination Act-PREA, Sexually Abusive Behavior Prevention and Intervention Program, K. Audits, asserts that the Department will conduct audits pursuant to 28 C.F.R/ 114.401-405. Each facility operated by the Department will be audited every three years or on a schedule determined by the PREA Coordinator

The Georgia Department of Corrections also contracts with county and private facilities. 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 facility posted the Notices of PREA Audit in areas of the facility accessible to inmates, staff, contractors, volunteers and visitors six weeks prior to the on-site audit. The PREA Compliance Manager forwarded multiple photos documenting posting the Notices. These were observed in living units and other areas accessible to staff, inmates, contractors, volunteers and visitors. Thirty (30) days prior to the onsite audit the auditor and PREA Compliance Manager communicated via email to discuss the audit process. Communications with the PREA Compliance Manager were often and productive. The compliance manager joined the auditor at another audit to observe the process. The PREA Compliance Manager sent the auditor photos of the inmate's showers in all types of bedrooms in the various dorms.

The auditor received the flash drive more than 30 days prior to the onsite audit. The information contained on the flash drive was organized and contained the GDC policies and Local Operating Procedures applicable to the standards as well as documentation to help the auditor understand the mission of the facility, the layout of the facility, and facility operations, including the staffing required for the population of medium security adult male inmates. The auditor provided the facility and extensive list of documents that the auditor would be asking for on-site. The facility was always responsive and helpful and complied with any request.

During the on-site audit the facility was requested to provide documentation and the documentation was readily available to and easily provided.

The on-site audit of the Sumter County Correctional Institute was conducted by a Certified Auditor and an Assistant. The Assistant is a state office level staff who is employed by the Department of Juvenile Justice and who has extensive experience in facility operations and programs and who is heavily involved in implementing the PREA Standards for that Department.

During the on-site audit, the auditors were provided complete and unfettered access to all areas of the facility and to all the inmates. The auditors were free to move about the facility any time they needed to. Ample and comfortable space with privacy in two offices was provided for the auditors to conduct interviews. During the on-site review, the auditor freely walked around the facility, interviewing informally, staff, inmates, contractors and volunteers without impediment.

The Notice of PREA Audit was observed posted throughout the facility and in the living units. The notice contained contact information for the auditor. During the site review of the facility the auditor informally talked with inmates and staff. None of the inmates requested to talk with the auditor in private.

Inmates were randomly selected from an alpha roster, attempting to provide a cross section of inmates and inmates representing different dormitories. The facility did not have any targeted offenders. This was confirmed through reviewed Department Disability Reports, Monthly PREA Reports, Calls to the Hotline Reports, Reviewed Incident Reports, Reviewed Grievances, and interviews with the Warden, Deputy Warden of Security, Deputy Warden of Care and Treatment, randomly selected staff, specialized staff, and randomly selected inmates.

The auditors were free to move about the facility at will, providing the opportunity for any resident to communicate with the auditor, if they needed to. Auditors were allowed access to inmate files, personnel files and other documentation without question or hesitation. The auditor reviewed 30 inmate files and 20 PREA Assessments and 60 Reassessments. Personnel files were reviewed at the Sumter County Courthouse where the county's Human Resources is located.

The auditor reviewed inmate files, made observations throughout the on-site audit, thoroughly reviewed large samples of documentation, tested processes (including checking victim/aggressor assessment time periods) and interviewed staff, contractors and inmates. Multiple personnel files were reviewed to assess the hiring process and background checks.

An exit briefing was conducted with the two Deputy Wardens in the absence of the Warden. Preliminary observations and findings were discussed. The auditor pointed out several areas that would need corrective action. The facility then provided the auditor copies of the requested documents to review later. The auditor advised that he would submit recommendations for corrective action to them for

consideration. The auditor advised that within 45 days after the onsite audit a report must be issued, and that report may be an interim report or a final report.

## **Standard 115.403: Audit contents and findings**

**All Yes/No Questions Must Be Answered by the Auditor to Complete the Report**

### **115.403 (f)**

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports within 90 days of issuance by auditor. The review period is for prior audits completed during the past three years PRECEDING THIS AGENCY AUDIT. In the case of single facility agencies, the auditor shall ensure that the facility's last audit report was published. 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 that there has never been a Final Audit Report issued.)  Yes  No  NA

### **Auditor Overall Compliance Determination**

- Exceeds Standard** (*Substantially exceeds requirement of standards*)
- Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- Does Not Meet Standard** (*Requires Corrective Action*)

### **Instructions for Overall Compliance Determination Narrative**

*The narrative below must include a comprehensive discussion of all 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 the standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.*

The Warden and the PREA Compliance Manager ensures that all PREA Reports are published on the agency's website within 90 days of the completion of the report. The Sumter County Correctional Institute website contains the report of the last PREA Audit of the facility conducted in 2016.

Reports for all facilities for all reporting periods are posted on the agency's website and easily accessible to the public.

The auditor reviewed the Agency's website and reviewed the previous PREA reports as well as annual reports that were posted on the website.

Interviewed administrators indicated the PREA Report as well as annual reports are posted for public viewing and reviewing and the PREA Report, like the last PREA Report, will be posted within 90 days of issuing the final report to the facility.

## AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

### **Auditor Instructions:**

Type your full name in the text box below for Auditor Signature. This will function as your official electronic signature. Auditors must deliver their final report to the PREA Resource Center as a searchable PDF format to ensure accessibility to people with disabilities. Save this report document into a PDF format prior to submission.<sup>1</sup> Auditors are not permitted to submit audit reports that have been scanned.<sup>2</sup> See the PREA Auditor Handbook for a full discussion of audit report formatting requirements.

Robert Lanier

March 10, 2019

**Auditor Signature**

**Date**

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<sup>1</sup> See additional instructions here: <https://support.office.com/en-us/article/Save-or-convert-to-PDF-d85416c5-7d77-4fd6-a216-6f4bf7c7c110> .

<sup>2</sup> See *PREA Auditor Handbook*, Version 1.0, August 2017; Pages 68-69.