

PRISON RAPE ELIMINATION ACT ANNUAL REPORT 2019



APRIL 18

SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS
Office of Legal Counsel and Compliance



Bryan P. Stirling, Director



Henry McMaster, Governor

Safety, Service, Stewardship

The mission of the South Carolina Department of Corrections is: Safety--we will protect the public, our employees, and our inmates. Service--we will provide rehabilitation and self-improvement opportunities for inmates. Stewardship--we will promote professional excellence, fiscal responsibility, and self-sufficiency.

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Bryan P. Stirling, Director

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF LEGAL COUNSEL AND COMPLIANCE**



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Prison Rape Elimination Act (PREA) Coordinator's

Annual PREA Report

Date: April 15, 2020
To: Bryan P. Stirling, Agency Director
Through: Salley Elliott, Chief Legal and Compliance Officer
From: Kenneth L. James, Agency PREA Coordinator
Subject: PREA Compliance Annual Report for Year 2019

Reference: (a) Sections 1560-09 of title 42, United States Code (PREA)
(b) 28 CFR 115; Prison Rape Elimination Act- National Standards
(c) Section 44-23-1150; SC Code of Laws
(d) SCDC Policy GA-06.11; Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment; and GA-06.11B, "Applying the PREA Standards"

Enclosure: Prison Rape Elimination Act (PREA) Findings and Corrective Actions

PREA Standards §115.88 and §115.89 require the South Carolina Department of Corrections (SCDC) to prepare an annual report relative to our Agency's efforts to assess and improve the effectiveness of sexual abuse prevention, detection, and response during the previous calendar year. Additionally, the standards require that the enclosed report be posted on our Agency's website for public access. This report meets the requirements of the PREA Standards and is approved through the PREA Coordinator's Office, the Office of Legal and Compliance, and the Office of the Director by signature below.

S/ Salley Elliott
Salley Elliott, Chief Legal & Compliance Officer

S/ Bryan P. Stirling
Bryan P. Stirling, Agency Director

Introduction and Report Summary

The PREA Coordinator's office, under the Office of Legal and Compliance, is pleased to provide this annual report of PREA activities and implementation efforts for 2019.

PREA Standard §115.88 requires SCDC to review its data collected and aggregated pursuant to Standard §115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, by:

1. Identifying problem areas;
2. Taking corrective action on an ongoing basis; and
3. Preparing an annual report of its findings and corrective actions for each facility, as well as the Agency as a whole

The SCDC PREA Coordinator submits the following information for your review and consideration:

In calendar year 2019, SCDC received 265 reported allegations of sexual abuse/sexual harassment. SCDC Police Services Investigated 195 (74%) allegations of sexual abuse/sexual harassment for criminal intent. Seventy allegations (26%) were investigated by institutional investigators. In total, there were 99 allegations (37%) of inmate-on-inmate abuse and 68 allegations (26%) of staff-on-inmate abuse. Of the 265 allegations, 17 allegations (6%) were substantiated, 144 allegations (54%) were unsubstantiated, 55 allegations (21%) were unfounded, and 49 allegations (19%) cases are ongoing.

In 2019, four SCDC institutions were audited for compliance with the National PREA Standards and three final reports were received.

Training on the National PREA Standards and SCDC Policy OP-21.12 was conducted at each Agency On-boarding, Orientation, and Basic Training class provided in 2019, in addition to the annual mandatory legal update provided by the Agency's Division of Training and Staff Development. Additionally, the Agency's PREA Coordinator provided or assisted in training multiple divisions, sections, and institutions. The PREA Coordinator also provided training to each PREA Compliance Manager (PCM) for each institution.

As with previous years, SCDC continued our agreements with multiple Rape Crisis Centers (RCC) to provide emotional support services to our incarcerated survivors of sexual abuse. The ten RCCs provide hundreds of hours of support to our survivors, including individual face-to-face contacts, group sessions, written correspondence, and phone calls through toll-free hotline support.

In 2019, SCDC was awarded two federal grants totaling \$315,235. The grants will assist SCDC with development of programs, purchasing equipment, and enhancing the Agency's compliance with the National PREA Standards.

In addition to grants, SCDC has worked collaboratively with Just Detention International (JDI) to assist our female sexual abuse survivors by including their stories into the #MeToo movement. SCDC and JDI has worked with a national artist to develop the #PrisonersToo project which will give our female inmates a voice to tell their story. There have been recent discussions with JDI to also include a way for male inmates to express their voice as well through a project similar to the female prisons.

Notable Successes:

1. **PREA Reporting Methods:** SCDC responds, investigates and takes appropriate action on all reports of sexual abuse and sexual harassment. Inmates who are sexually abused or sexually harassed are encouraged to report incidents immediately. The Agency provides inmates numerous ways to report to include: 1) *22 Hotline Call which inmates may dial at any inmate telephone at their respective institution to report; 2) through the grievance process; and 3) through an inmate Request to Staff form. SCDC has now added the new category, "Prison Rape Elimination Act" on the inmate kiosk system so that inmates may complete and submit an automated request to staff (ARSTM); 4) tell a staff member, contractor, or volunteer; 5) write SLED; or 6) through Third Party Reporting wherein the public can go to SCDC's website and complete a "PREA Tips" form to report an allegation of sexual abuse/sexual harassment on an inmate's behalf. Inmates who would like to speak with someone for emotional support regarding sexual abuse/sexual harassment may contact their local sexual assault center by dialing *63 from any inmate telephone to speak with confidential support specialists. Although this is not an avenue to report, the inmate may receive help via emotional support.
2. **Institutional PREA Teams:** The Agency PREA Coordinator's Office has encouraged institutional PCMs to create a PREA Team and designate several staff to assist with investigations, documentation, and log-keeping of institutional PREA cases, etc. Most institutions have adopted this initiative and have found this has helped significantly in the management and processing of PREA cases.
3. **Changes to Policies:** The Agency's PREA Coordinator has made significant changes to SCDC Policy GA-06.11, "Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment" (formerly SCDC Policy OP-21.12) so that language and definitions in this policy match the language and definitions of the PREA Standards. Also, a supplement to this policy, GA-06.11B, "Applying the Prison Standards," was developed by the PREA Coordinator's Office to provide an in-depth review of each PREA Standard and SCDC policies associated with each standard. These two policies are instrumental in educating staff and in providing PREA Auditors with the necessary information to meet the PREA standards regarding policies.

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4. **Improvements to SCDC’s PREA Risk Screening Application** to include: The PREA Risk Screening now has added features such as a “List Menu” with dropdown categories added to include: a) “Initial Assessment List”; b) “Reassessment List; c) a “Location Search” tool which can provide staff with information regarding a certain dorm and if a certain category of inmate is housed there; d) “One-to-One Compatibility Search” which is a very useful tool whereby staff can input two inmate SCDC numbers to determine if two inmates can safely be housed together; and e) a search tool that lets staff know where vulnerable inmates are currently housed to include dorm; room and bunk information. These features further enhance our commitment to provide safe housing, bed and programming/educational assignments to the inmates at each institution.

 5. **Additional PREA-related Forms:** SCDC has developed several new forms to ensure complete documentation of PREA cases from start to finish. These new forms will help ensure information is documented so that the mandated Survey of Sexual Violence reports are easier to complete, more useful information is submitted in reports/findings, and all institutions have a consistent format from which to report. These and other new forms will ensure PREA files are complete.

 6. **PREA Compliance Manager Comprehensive Investigative Training 2020:** The PREA Coordinator’s office recently provided all PREA Compliance Managers and their assistants with in-depth comprehensive investigative training at SCDC’s training academy with 49 attendees. This full day of training consisted of a review of the PCM’s role and included speakers from Police Services, the Grievance Branch, Office of General Counsel, and PCMs from audited institutions to share multidisciplinary information and expertise. An informal testing of the knowledge learned was provided to all attendees, which indicated the training was successful.

 7. **Physical Plant Improvements:** To address concerns presented by the contracted, certified PREA Auditor, corrections were made to the shower areas at both Turbeville and Ridgeland Correctional Institutions. Shower curtains that are compliant with the PREA Standards were placed in all institutions. These curtains allow privacy for the inmate showering while also enabling correctional staff to monitor the safety of the inmate. In addition, several safety measures were made to several inmate toilet areas to provide the inmate greater privacy while maintaining security. Housing changes were made based on the auditor’s assessments at Leath. Hundreds of mirrors were placed in multiple institutions to allow better coverage and staff observance in blind spot areas. Additional cameras were also placed in strategic areas of the facilities.

Areas of Concern:

Although the Agency has made many advances in PREA, some minor improvements as noted by contracted auditors will enhance SCDC’s compliance with the PREA Standards. The installation of additional cameras and video recording systems in institutions will help with investigations of sexual abuse/sexual harassment allegations. A large percentage of allegations are unsubstantiated due to lack

of evidence. Additional cameras will provide both criminal and institutional investigators with more investigative resources to better determine their case dispositions.

Currently, to ensure all institutional investigations are thorough, there are several hardcopy documents that are completed in order to ensure all aspects of an allegations are covered. These documents serve various purposes but result in the utilization of a lot of paper to ensure a complete report. This process could be more efficient if the PCMs, who are the institutional investigators, were provided a computerized system or application to digitally document and file reports and forms. This system would improve the institutional data collection and aggregation by ensuring transferred investigations and reports are recorded appropriately.

SCDC's Division of Police Services completes all criminal investigations and, if appropriate, forwards all cases with criminal intent to the local solicitor for prosecution. Although the Agency has a low number of substantiated cases, the rate of prosecutions for those sexual abuse cases remains low. Prosecutions of sexual abuse offenses will improve the safety of the inmates in custody by ensuring perpetrators are held accountable for their behavior.

In addition to these changes, some physical plant adjustments will need to be made as they are found to be non-compliant with the Prison and Jail Standards. Until all institutions have been audited the changes needed have been subjected based on mock audits completed by institutional staff. The PREA Coordinator's Office and Facilities Maintenance have worked closely together to ensure all issues described by auditors are addressed.

Agency Aggregate Data

The following is a breakdown of institutions with inmate population numbers as of December 31, 2019:

FACILITY	POPULATION
Allendale Correctional Institution	858
Broad River Correctional Institution	1,289
Camille-Graham Correctional Institution	656
Evans Correctional Institution	1,242
Goodman Correctional Institution	441
Kershaw Correctional Institution	1,312
Kirkland Reception and Evaluation Center	1,578
Leath Correctional Institution	592
Lee Correctional Institution	1,214
Lieber Correctional Institution	1,098
Livesay Correctional Institution	429
MacDougal Correctional Institution	613
Manning Reentry/Work Release Center	578
McCormick Correctional Institution	920
Palmer Pre-Release Center	238
Perry Correctional Institution	819
Ridgeland Correctional Institution	929
Trenton Correctional Institution	448
Turbeville Correctional Institution	1,005
Tyger River Correctional Institution	1,004
Wateree Correctional Institution	796
TOTAL:	18,059

In December 2019, the SCDC inmate population was lower than it was in December 31, 2018, which had an inmate population of 18,505 inmates. In 2017, the inmate population was 19,409. Of the 265 allegations of sexual abuse / sexual harassment, the data received represented 1.47% of the inmate population, with 6.5% (17) of the 265 allegations substantiated.

2019 Aggregated Allegations of Sexual Abuse / Sexual Harassment

Allegation Type	2019
Inmate-on-Inmate Sexual Abuse	
Substantiated	6
Unsubstantiated	55
Unfounded	11
Investigation ongoing	27
Total:	99
Inmate-on-Inmate Sexual Harassment	
Substantiated	3
Unsubstantiated	41
Unfounded	19
Investigation ongoing	18
Total:	81
Staff Sexual Misconduct	
Substantiated	8
Unsubstantiated	39
Unfounded	17
Investigation ongoing	4
Total:	68
Staff Sexual Harassment	
Substantiated	0
Unsubstantiated	9
Unfounded	8
Investigation ongoing	0
Total:	17
TOTAL SUBSANTIATED:	265

Of the 265 reported cases of sexual abuse/sexual harassment in 2019, 17 of these cases were found to be substantiated, 6 of which were substantiated incidents of inmate-on-inmate sexual abuse; 3 were inmate-on-inmate sexual harassment; and 8 were staff sexual misconduct substantiated cases. The majority of incidents were inmate-on-inmate sexual abuse allegations (99) and inmate-on-inmate sexual harassment (81), followed by staff sexual misconduct (68).

Comparison Data 2017 – 2019

Allegation Type	2017	2018	2019	TOTALS
INMATE ON INMATE SEXUAL ABUSE				
Substantiated	3	7	6	16
Unsubstantiated	54	53	55	162
Unfounded	11	13	11	35
Investigation ongoing	1	9	27	37
TOTAL	69	82	99	250
INMATE ON INMATE SEXUAL HARASSMENT				
Substantiated	0	6	3	9
Unsubstantiated	9	38	41	88
Unfounded	0	19	19	38
Investigation ongoing	0	8	18	26
TOTAL	9	71	81	161
STAFF SEXUAL MISCONDUCT				
Substantiated	4	2	8	14
Unsubstantiated	27	35	39	101
Unfounded	1	13	17	31
Investigation ongoing	0	0	4	4
TOTAL	32	50	68	150
STAFF SEXUAL HARASSMENT				
Substantiated	0	0	0	0
Unsubstantiated	0	10	9	19
Unfounded	1	1	8	10
Investigation ongoing	11	1	0	12
TOTAL	12	12	17	41
TOTAL SUBSTANTIATED INCIDENTS OF SEXUAL VIOLENCE	7	15	17	39

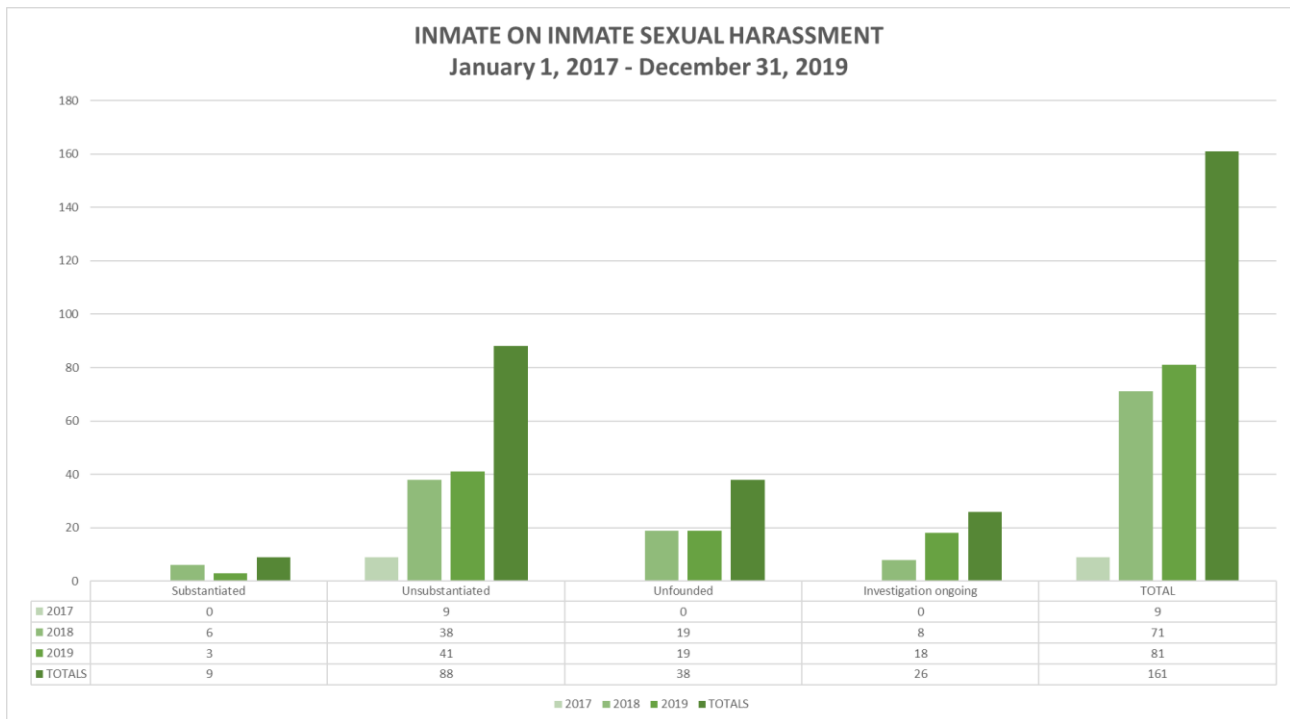
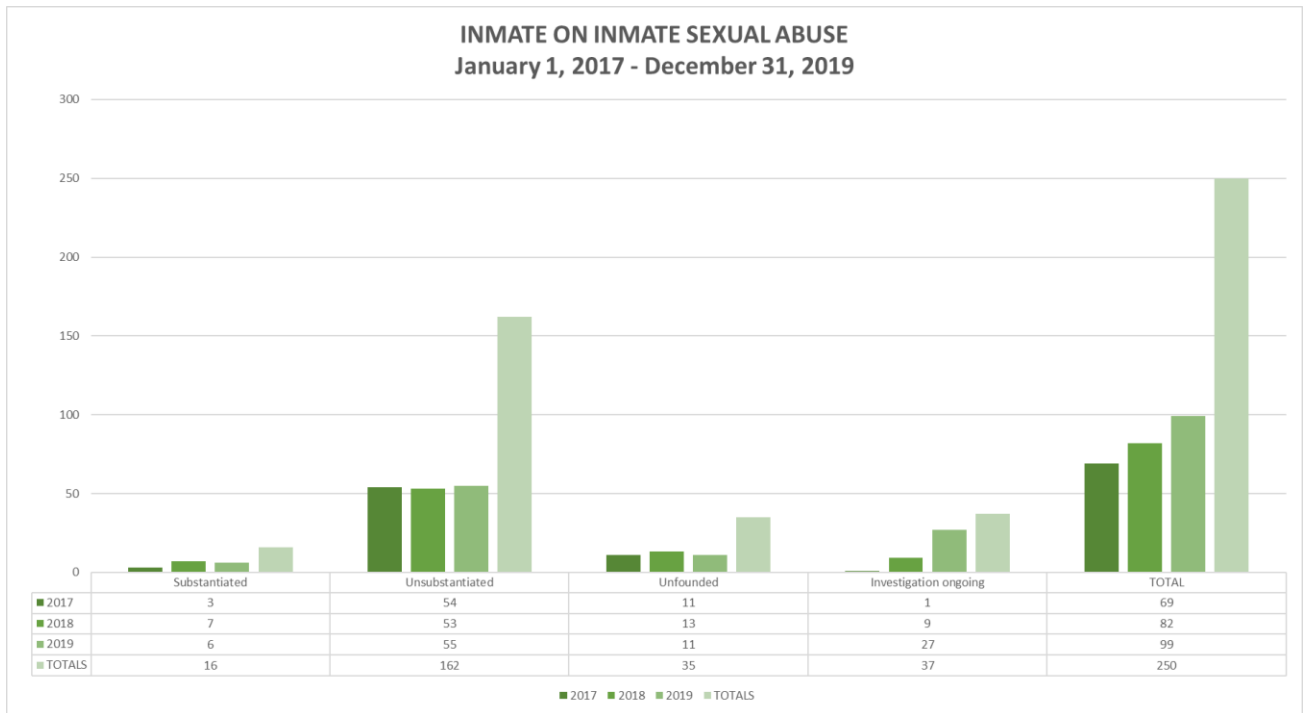
In comparison with the 2017 and 2018 data, as presented in the graphs, there was an increase by 93 (76%) allegations from 2017 to 2018, and an increase by 50 (23%) allegations from 2018 to 2019. There was a significant increase of inmate-on-inmate sexual harassment cases since 2017, but it shows that inmates are reporting. Staff sexual misconduct cases have increased over the three-year period, while staff sexual harassment has minimally increased. However, the number of total substantiated cases has remained low. There were 8 cases of Staff-on-Inmate sexual abuse in 2019.

Data by Institution

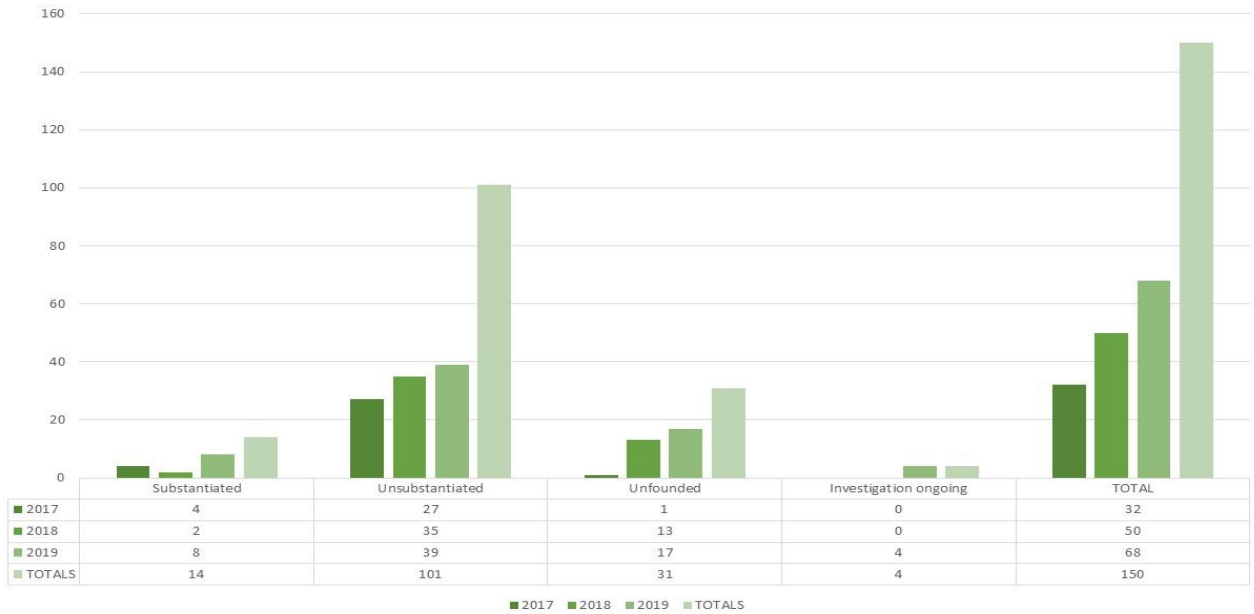
2019 INSTITUTIONAL DATA

		Allendale	Broad River	Camille-Graham	Evans	Goodman	Kershaw	Kirkland	Leath	Lee	Lieber	Livesay	MacDougal	Manning	McCormick	Palmer	Perry	Ridgeland	Trenton	Turbeville	Tyger River	Waterlee	Outside Inst.	Agency Total
Allegation Type																								
Finding	Inmate-on-Inmate Sexual Abuse																							
	Substantiated	1	1	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	6
	Unsubstantiated	4	6	1	6	0	3	2	5	2	4	0	1	0	1	0	7	2	1	5	3	1	1	55
	Unfounded	1	2	1	0	0	0	2	0	0	0	0	0	0	0	0	1	1	0	1	2	0	0	11
	Investigation ongoing	0	4	1	3	0	4	2	0	1	1	0	0	0	0	0	0	5	0	5	0	1	0	27
Finding	Inmate-on-Inmate Sexual Harassment																							
	Substantiated	0	0	0	0	1	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
	Unsubstantiated	6	0	0	0	0	0	16	0	2	3	0	1	2	2	0	1	1	0	1	2	4	0	41
	Unfounded	4	1	3	0	0	0	0	0	0	1	0	0	0	2	0	0	3	0	1	4	0	0	19
	Investigation ongoing	0	0	0	5	0	0	7	0	0	0	0	1	0	0	0	0	5	0	0	0	0	0	18
Finding	Staff-on-Inmate Sexual Abuse																							
	Substantiated	0	1	0	1	0	0	2	0	1	2	0	0	0	0	0	0	0	0	0	1	0	0	8
	Unsubstantiated	2	7	3	1	1	1	3	1	0	1	0	0	1	0	1	12	1	0	2	0	2	0	39
	Unfounded	2	0	0	0	0	4	3	1	1	0	0	1	1	0	0	2	2	0	0	0	0	0	17
	Investigation ongoing	0	0	0	1	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	4
Finding	Staff-on-Inmate Sexual Harassment																							
	Substantiated	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unsubstantiated	0	2	0	0	0	3	2	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	9
	Unfounded	1	0	0	0	1	1	0	0	0	1	0	0	0	1	0	1	0	0	2	0	0	0	8
	Investigation ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		21	24	9	19	3	17	40	9	7	13	0	3	5	8	1	25	20	1	17	12	9	2	265

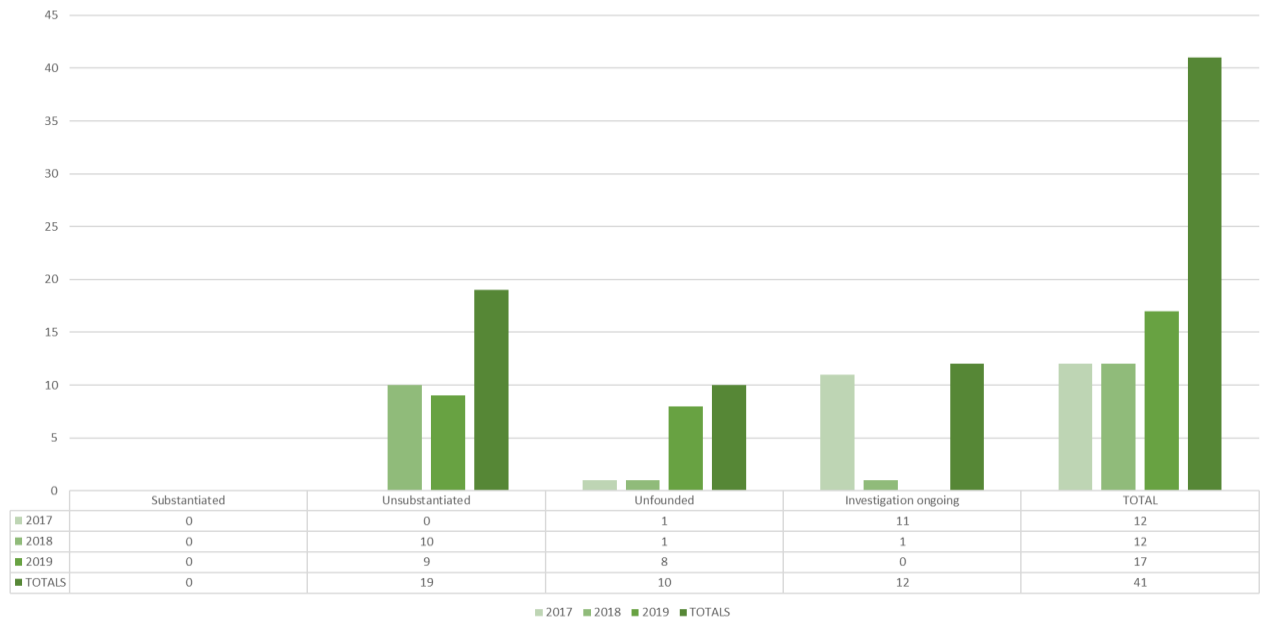
Allegation Breakdown



STAFF SEXUAL MISCONDUCT January 1, 2017 - December 31, 2019



STAFF SEXUAL HARASSMENT January 1, 2017 - December 31, 2019



Corrective Actions

To ensure SCDC continues its path to full compliance with the Federal PREA Standards, the Office of Legal Counsel and Compliance PREA Staff, has implemented several corrective actions to address recommendations noted in the nine PREA interim audit reports.

1. **Policy Review and Revisions:** To address the noted deficiencies in policy and procedural language, SCDC has received technical assistance through the National PREA Resource Center (PRC). Just Detention International was contracted by the PRC to review and advise SCDC on several policies that require specific language mandated by the Federal PREA Standards. In addition, the Agency's PREA Coordinator has made significant changes to SCDC Policy GA-06.11, "Prevention, Detection, and Response to Sexual Abuse/Sexual Harassment" (formerly SCDC Policy OP-21.12) so that language and definitions in this policy match the language and definitions of the PREA Standards. Also, a supplement to this policy, GA-06.11B, "Applying the Prison Standards," was developed to provide an in-depth review of each PREA Standard and SCDC policies associated with each standard.
2. **Grants:** For the past several years, SCDC has received a PREA grant through the SC Department of Public Safety which assists with SCDC's agreements with 10 Rape Crisis Centers. SCDC has applied for and received a federal grant in the amount of \$247,063 to assist with increasing monitoring capabilities, sexual safety programming, and assistance with organizational improvements to data collection. To supplement the Inmate Peer Education Program curriculum, SCDC plans to develop an inmate education curriculum engaging Inmate Representative Councils from the institutions to provide feedback through focus groups, town halls and community meetings to improve curriculum. SCDC intends to work with The South Carolina Coalition Against Domestic Violence and Sexual Assault to develop an inmate peer support system whereby new inmates may receive mentoring assistance from inmate peers who have been in the system. This initiative will also include staff mentoring, where senior staff can work with new staff regarding their role and PREA. Other objectives include development of an agency-wide PREA Team to assist institutions; strengthening Agency Investigations by improving processes; a continued review of policies and procedures; provide additional cameras and mirrors to Leath and Camille to minimize identified blind spots; work with our Resource and Information Management (RIM) staff to develop a centralized database for investigations; and develop a plan to work with solicitors to take cases forward for prosecution.
3. **Physical Plant Improvements:** Based on recommendations noted by the Agency's contracted PREA auditors, several plans have been created and submitted for improvements to institutional physical plants. SCDC will continue remodeling of inmate restrooms, addressing blind spots through physical improvements, installing mirrors to cover all areas of the facility, and considering PREA when planning/updating buildings or new construction.
4. **Video Monitoring:** The Division of Security has begun installation and updating of several institutional digital monitoring systems. By increasing and improving institutional video monitoring systems, SCDC and Police Services can improve upon investigation by using recorded data to assist in investigations.

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5. **Documentation:** The PREA Coordinator's office has reviewed all of our documentation processes and added a variety of forms and documents to ensure all elements of the PREA compliance effort are documented and recorded. Improvements have been made to the PREA Risk Screening Application to provide more useful information to staff for making inmate housing, bed, education, and programming assignments.
 6. **Data Collection:** PREA Staff, along with RIM and Police Services, are working together to review and improve upon data collection efforts in regard to sexual abuse and sexual harassment data. The group intends to create an easier way for institutions to report allegations and collect information requested by the DOJ's Survey of Sexual Victimization (SSV) and streamline the data aggregation protocols.
 7. **PREA Auditing:** SCDC has contracted with several outside PREA contractors for the completion of auditing all SCDC institutions. By contracting with several contractors SCDC is ensuring we meet the requirement of having a third of our institutions audited per cycle. SCDC intends to have all correctional institutions audited by the end calendar year 2021. PREA Cycle 3, Year 1, began on August 20, 2019. SCDC has scheduled audits so that seven institutions will be audited in each Cycle Year, ensuring compliance with the Standard §115.401.
 8. **SLED Fingerprinting:** To ensure compliance with Standard §115.17 regarding the Agency's hiring and promotion decisions, Recruiting and Employment has completed the SLED fingerprinting process for all staff for all twenty-one (21) institutions. Therefore, all Agency hires before 2014-2015 (who were administered ink/paper fingerprints), as well as any new staff currently hired, have digital fingerprints in SLED's database. This will provide automatic notification of charges to ensure the Agency is informed and can make hiring/termination decisions based on this data.

Schedule of Audits

CYCLE 3 PREA Audit Schedule

August 20, 2019 through August 19, 2022

	Facility/Institutions	# Inmates	Site Visit	Lead Auditor
Year 1	Kirkland CI	2003	September 23-25, 2019	Jennifer Feicht
	Allendale CI	1021	February 5-7, 2020	Sonya Love
	Tyger River	1108	March 30 – April 1, 2020	Kendra Prisk
	Manning CI	839	March 30 – April 1, 2020	Adam Barnett
	McCormick CI	835	April 2-4, 2020	Kendra Prisk
	Palmer CI	235	April 27-29, 2020	Adam Barnett
	McDougall CI	672	June 1-3, 2020	Kendra Prisk
Year 2	Goodman CI	350	September 21 – 23, 2020	Adam Barnett
	Evans CI	1225	October 7-9, 2020	Sonya Love
	Lee CI	1310	November 30 – Dec 4, 2020	Kendra Prisk
	Lieber CI	1153	November 30 – Dec 4, 2020	Kendra Prisk
	Broad River CI	1319	March 15-17, 2021	Adam Barnett
	Turbeville CI	1008	April 7 -9, 2021	Sonya Love
	Ridgeland CI	927	May 11 – 13, 2021	Kendra Prisk
Year 3	Leath CI	844	TBA (2021)	
	Kershaw CI	1375	TBA (2021)	
	Livesay CI	492	TBA (2021)	
	Camille G. Graham CI	883	TBA (2021)	
	Wateree River CI	871	TBA (2022)	
	Perry CI	877	TBA (2022)	
	Trenton	719	TBA (2022)	

PREA Audit Cycle 3 began on August 20, 2019 and runs through August 19, 2022. To meet compliance, SCDC will audit seven (7) correctional facilities each cycle year as prescribed by Standard 115.401(b).

§ 115.401 Frequency and scope of audits.

- (a) During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once.
- (b) During each one-year period starting on August 20, 2013, the agency shall ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, is audited.
- (c) The Department of Justice may send a recommendation to an agency for an expedited audit if the Department has reason to believe that a particular facility may be experiencing problems relating to sexual abuse. The recommendation may also include referrals to resources that may assist the agency with PREA-related issues.
- (d) The Department of Justice shall develop and issue an audit instrument that will provide guidance on the conduct of and contents of the audit.
- (e) The agency shall bear the burden of demonstrating compliance with the standards.
- (f) The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations for each facility type.
- (g) The audits shall review, at a minimum, a sampling of relevant documents and other records and information for the most recent one-year period.
- (h) The auditor shall have access to, and shall observe, all areas of the audited facilities.
- (i) The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
- (j) The auditor shall retain and preserve all documentation (including, e.g., video tapes and interview notes) relied upon in making audit determinations. Such documentation shall be provided to the Department of Justice upon request.
- (k) The auditor shall interview a representative sample of inmates, residents, and detainees, and of staff, supervisors, and administrators.
- (l) The auditor shall review a sampling of any available videotapes and other electronically available data (e.g., Watchtour) that may be relevant to the provisions being audited.
- (m) The auditor shall be permitted to conduct private interviews with inmates, residents, and detainees.
- (n) Inmates, residents, and detainees shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
- (o) Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.

Definitions

PREA standard definitions are provided in 28 CFR §115.5 and 28 CFR §115.6, which include the following:

Sexual abuse of an offender by another offender – Sexual acts, sexual contact or any other intentional touching, either directly, through the clothing or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation, in which the victim does not consent, is coerced by overt or implied threats of violence, or is unable to consent or refuse.

Sexual abuse of an offender by a staff member– Sexual acts, sexual contact or any other intentional contact, either directly, through the clothing or with an object, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, any attempt, threat, or request by a staff member or service provider to engage in these activities, any display by a staff member or service provider of his or her uncovered genitalia, buttocks, or breast in the presence of an offender, or voyeurism by a staff member or service provider, when these acts are unrelated to official duties or where the staff member or service provider has the intent to abuse, arouse, or gratify sexual desire.

Sexual Harassment - Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another or repeated verbal comments or gestures of a sexual nature to an offender by a staff member or service provider.

Sexual Misconduct – Includes sexual abuse of an offender by another offender, sexual abuse of an offender by a staff member or service provider, sexual harassment, and voyeurism.

Substantiated – An allegation that was investigated and determined to have occurred.

Unfounded – An allegation that was investigated and determined not to have occurred.

Unsubstantiated – An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether the event occurred.

Voyeurism - An invasion of privacy of an offender by a staff member or service provider for reasons unrelated to official duties.