

Department: Adult Correction Center	Policy No. W-20.13	Pages: 4
Section Title: Prison Rape Elimination Act	PREA§ : 115.393, 115.401, 115.402, 115.403, 115.404, 115.405, 115.501	
Subject: PRISON RAPE ELIMINATION ACT Audits	Date Reviewed:	
Date Issued: March 31, 2016	Date Revised:	

DEFINITIONS:

None

POLICY:

The Wilson County Jail (WCJ) will have written policy and procedures mandating zero-tolerance towards all forms of sexual abuse and sexual harassment. WCJ will describe in detail approaches taken to prevent, detect, and respond to such conduct. Policy and procedure will be in accordance with the DOJ Title 28 Code of Federal Regulations, Part 115, and National Standards, to prevent, detect, and respond to prison rape.

PROCEDURE:

- A. During the three-year period starting on August 20, 2013, and during each three-year period thereafter, WCJ will ensure that the facility will be audited at least once.
- B. WCJ will utilize an audit instrument developed by the Department of Justice (DOJ) to provide guidance on the conduct and contents of the audit.
- C. WCJ will bear the burden of demonstrating compliance with the standards.
- D. The auditor shall review all relevant agency-wide policies, procedures, reports, internal and external audits, and accreditations of the facility.
- E. The auditor shall review, at a minimum, a sampling of relevant documents and other records and information of the most recent one-year period.

- F. The auditor shall have access to, and will observe, all areas of the audited facilities.
- G. The auditor shall be permitted to request and receive copies of any relevant documents (including electronically stored information).
- H. The auditor shall retain and preserve all documentation (i.e. video tapes, taped interviews) relied upon in making audit determinations. Such documentation will be provided to the DOJ upon request.
- I. The auditor shall interview a representative sample of inmates, and of staff, supervisors, and administrators.
- J. The auditor shall review a sampling of any available videotapes and other electronically available data that may be relevant to the provisions being audited.
- K. The auditor shall be permitted to conduct private interviews with the inmates.
- L. Inmates shall be permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel.
- M. Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions of the facility.
- N. The PREA coordinator will prepare any pre-audit documents and work to ensure that the facility is prepared for the audit.

Auditor Qualifications

- A. An audit will be conducted by:
 - a. An auditor certified by the DOJ to conduct PREA audits for adult jail facilities.
 - b. A member of a correctional monitoring body that is not part of, or under the authority of WCJ.
 - c. A member of an auditing entity such as an inspector general or ombudsperon's office that is external to the agency; or
 - d. Other outside individual with relevant experience.
- B. No audit may be conducted by an auditor who has received financial compensation from the agency being audited (except for compensation for completing prior PREA audits) within the three-years prior to the agency's retention of the auditor.
- C. WCJ will not employ, contract with, or otherwise financially compensate the auditor for three-years subsequent to the WCJ retention of the auditor, with the exception of contracting for subsequent PREA audits.

Audit Contents and Findings

- A. Each audit must include a certification by the auditor that no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.
- B. Audit reports will state whether agency-wide policies and procedures comply with relevant PREA standards.
- C. For each PREA standard, the auditor shall determine whether the audited facility reaches on the following findings:
 - a. Exceeds Standard- substantially exceeds requirements of the standard.

- b. Meets Standard- substantial compliance; complies in all material ways with the standard for the relevant review period.
 - c. Does Not Meet Standard- requires corrective action
 - d. The audit summary will indicate, among other things, the number of provisions the facility has achieved at each grade level.
- D. Audit reports will describe the methodology, sampling sizes, and basis for the auditor's conclusions with regards to each standard provision for each audited facility, and will include recommendations for any required corrective action.
 - E. Auditors will redact any personally identifiable inmate or staff information from their reports, but shall provide such information to WCJ upon request, and may provide such information to the DOJ.
 - F. WCJ will comply with all audit requirements from the DOJ.
 - G. WCJ shall ensure that the auditor's report is published on WCJ's website.

Audit Corrective Action Plan

- A. A finding of "Does Not Meet Standard" with one or more standards shall trigger a 180-day corrective action period.
- B. The auditor and WCJ shall jointly develop a corrective action plan to achieve compliance.
- C. The auditor shall take necessary and appropriate steps to verify implementation of the corrective action plan including reviewing updated policies and procedures or re-inspecting portions of the facility.
- D. After the 180-day corrective action period ends, the auditor shall issue a final determination whether the facility has achieved compliance with those standards requiring corrective action.
- E. If WCJ does not achieve compliance with each standard it may request a subsequent audit (at WCJ discretion and cost) once it believes the compliance has been achieved.

Audit Appeal

- A. WCJ may submit an appeal with the DOJ regarding a specific audit finding it believes is incorrect. The appeal must be submitted within 90 days of the auditor's final determination.
- B. If the DOJ determines that WCJ has stated a good cause for a re-evaluation, WCJ may commission a re-audit by an auditor mutually agreed upon by the DOJ and WCJ. WCJ shall bear the costs of this re-audit.
- C. The findings of the re-audit shall be considered final.

State Determination and Certification of Full Compliance

- A. In determining pursuant to 42 U.S.C 15607(c) (2) whether WCJ is in full compliance with the PREA standards, the Governor shall consider the results of the most recent WCJ audits.

- B. The Governor’s certification shall apply to all facilities in the State under the operational control of the State’s executive branch, including facilities operated by private entities on behalf of the State’s executive branch.

Original Signed

Administrator

Date

Original Signed

Sheriff

Date