

# PREA AUDIT: AUDITOR'S SUMMARY REPORT

## ADULT PRISONS & JAILS

Interim     Final Report

### Auditor Information

**Auditor name:** Katherine Brown

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**Telephone number:** 727-470-4123

**Date of facility visit:** April 18 & 19, 2016

**Date report submitted:** April 22, 2016

### Facility Information

**Name of facility:** Smith State Prison

**Physical address:** 9676 Highway 301 North, Glennville, Georgia 30427

**Telephone number:** 912-654-5001

<b>Smith State Prison is:</b>	<input type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		

<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison
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<b>Name of facility's Chief Executive Officer:</b> Douglas Williams	<b>Title:</b>	Warden
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**Number of staff assigned to Smith State Prison in the last 12 months:** 287

**Designed facility capacity:** 1560

**Current population of facility:** 1487

**Facility security levels/offender custody levels:** Close, Medium, Minimum

**Age range of the population:** 18-68

<b>Name of PREA Compliance Manager:</b> Lee Clark	<b>Title:</b>	Dep. Warden Care/Treatment
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<b>Email address:</b> <a href="mailto:LeeClark@gdc.ga.gov">LeeClark@gdc.ga.gov</a>	<b>Telephone #</b>	912-654-5012
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### Agency Information

**Name of agency:** Georgia Department of Corrections

**Governing authority or parent agency:** Georgia Department of Corrections

**Physical address:** 300 Patrol Road, Forsyth, GA 31029

**Telephone number:** 478-992-5211

### Agency Chief Executive Officer

<b>Name:</b> Homer Bryson	<b>Title:</b>	Commissioner
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<b>Email address:</b> <a href="mailto:Homer.Bryson@gdc.ga.gov">Homer.Bryson@gdc.ga.gov</a>	<b>Telephone number:</b>	478-992-5261
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### Agency-Wide PREA Coordinator

<b>Name:</b> Sharon Shaver	<b>Title:</b>	Agency PREA Coordinator
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<b>Email address:</b> <a href="mailto:Sharon.Shaver@gdc.ga.gov">Sharon.Shaver@gdc.ga.gov</a>	<b>Telephone #</b>	678-628-3128
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# AUDIT FINDINGS

## NARRATIVE:

The audit of Smith State Prison was conducted on April 18 & 19, 2016 by Katherine Brown, Certified PREA auditor. The areas toured were a total of 8 housing units. There are six general population units and two tier program/administrative detention/segregation unit plus the kitchen, laundry, programs area, and work areas.

In preparation of the audit I received the requested documentation on March 24, 2016 and began the review of the documentation. No additional documentation was requested or required. I was able to complete the documentation review portion of the audit process and was ready for the on-site.

An entrance meeting was held with facility staff. The following people were in attendance: Doug Williams Warden; Lee Clark, Deputy Warden of Care & Treatment/PREA Compliance Manager; Tarmarshe Smith Deputy Warden of Security; Josh Wicker, Captain; Stephanie Wilson, HR Manager; Terri Yarborough, Health Services Administrator; Eyvette Cook; SART Team member; Vicki Irvin, Deputy Warden Admin; Andrew McFarland, Unit Manager, PREA Investigator and Melvin Butt, Assistant Statewide PREA Coordinator.

Following the entrance meeting I toured the Smith State Prison from 0915-1115. On the tour with me was Doug Williams Warden; Lee Clark, Deputy Warden of Care & Treatment/PREA Compliance Manager; Tarmarshe Smith Deputy Warden of Security; Josh Wicker, Captain and Melvin Butt, Assistant Statewide PREA Coordinator.

During the tour all facility notices were posted in all offender living areas except one where the offenders had removed them, this was replaced immediately; program areas and public areas announcing the audit. As I entered all offender living area cross gender announcements were made, this practice was also confirmed during random staff and inmate interviews.

On day one of the audit I toured the entire facility and conducted all specialized interviews and random staff interviews on both shifts. Day two of the audit I conducted all random inmate interviews and specialized inmate interviews as well as I reviewed personnel files and PREA training records as well as all investigative files.

I asked for an alpha listing of all offenders housed at Smith State Prison and randomly selected 20 offender as well as any offenders who were limited English speaking or had hearing/vision impairment to be interviewed. There were no hearing/vision impairment offenders there, I did interview one limited English speaking offender. I also asked for any offender, who was transgender/intersex; there were no transgender/intersex offenders. I also asked for a shift roster and randomly selected 20 staff to interview. I conducted 13 specialized interviews.

There were 53 sexual assault/harassment allegation cases, all relatively recent (within the past year) 31 had been unfounded; 19 unsubstantiated; 2 referred to OPS and one the inmate recanted. Most of the allegations were false accusations made by the inmates directed towards staff who had filed disciplinary reports against them. Others were hotline calls that based on

video showed the inmates who made the call was not the inmate they claimed to be and were charged with disciplinary reports for filing a false report.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

Smith State Prison is located in Glennville Georgia, part of Tattnall county. It is a closed custody Level 5 facility that is capable of incarcerating approximately 1,615 adult males. Many of the offenders at this facility exhibited behavior that was difficult to manage or address at other facilities, so they have been moved to Smith State Prison where they can be properly controlled. Offenders are housed in an open dormitory with double bunks, triple offender's cells or double offender cells. The facility is comprised of 7 buildings that have two housing units each and one unit that has four dormitory units as well as 4 tier units.

## **SUMMARY OF AUDIT FINDINGS:**

Number of standards exceeded: 3

Number of standards met: 38

Number of standards not met:

Number of standards not applicable: 2

<b>§115.11</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

### **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV A.1; Georgia Organizational Chart and Facility Organizational Chart and interviews with PREA Coordinator, PREA compliance manager and random staff I find they meet this standard.

Georgia Department of Corrections has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlines Georgia Department of Corrections' approach to preventing, detecting, and responding to such conduct. Smith State Prison complies with this standard by utilizing GDC SOP 208.06. This policy mandates zero tolerance toward all forms of sexual misconduct and is used to prevent, detect, and respond to any form of sexual abuse and sexual harassment.

Georgia Department of Corrections employs or designates an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards. The Georgia Department of Corrections Statewide

PREA Coordinator also has an Assistant Statewide PREA Coordinator to assist in the efforts of ensuring all Georgia Department of Corrections prisons are PREA compliant.

Georgia Department of Corrections operates more than one facility; Smith State Prison has designated a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards. Smith State Prison complies with this standard in that the Deputy Warden of Care and Treatment has been designated as the PREA Compliance Manager for the facility by the Warden.

<b>§115.12 Contracting with other agencies for confinement of offenders</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV A.2 and interview with agency's contract compliance manager, as well as reviewing contract with county and private facilities I find Georgia Department of Corrections complies with this standard.

Smith State Prison does not contract for the confinement of their offenders however; Georgia Department of Corrections does have contracts with private entities and county prisons for the confinement of their offenders. Based on review of those contracts I find they meet this standard.

All contracts include the entity's obligation to adopt and comply with the PREA standards.

Any new contract or contract renewal provides for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

<b>§115.13 Supervision and monitoring</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV A. 3; SOP II. A. 07-0012; Staffing Plan; Staffing Analysis 2014; logbook entries showing unannounced rounds and interview with Warden; PREA Compliance Manager and PREA Coordinator I find they meet this standard.

Georgia Department of Corrections has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and

uses video monitoring, to protect offenders against sexual abuse. Smith State Prison complies with this standard by utilizing the staffing plan and shift rosters that were reviewed as part of this audit. Overtime is used from a call out roster and also they pull officers from other prisons to fill posts.

In circumstances where the staffing plan was not complied with, Smith State Prison documented and justified all deviations from the plan. All deviations from the staffing plan were documented on the shift rosters, which were reviewed as part of this audit.

Georgia Department of Corrections completes an annual review, in consultation with the PREA coordinator required by § 115.11, to assess, determine, and document whether adjustments are needed. Smith State Prison complies with this standard based on review of the annual staffing report.

<b>§115.14</b> <b>Youthful offenders</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- X Not applicable

**Auditor comments, including corrective actions needed if does not meet standard**

No juveniles are held at this facility.

<b>§115.15</b> <b>Limits to cross gender viewing and searches</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV A. 7. (a-g); SOP II. B. 01-0013 and random staff and offender interviews I find they meet this standard.

Smith State Prison does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances. In the event a cross gender search is done Smith State Prison documents all cross-gender strip searches and cross-gender visual body cavity searches. During random staff and offender interviews it was confirmed staff do not perform cross gender strip searches.

Smith State Prison has policies and procedures that enable offenders 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. Such policies and procedures require staff of the opposite

gender to announce their presence when entering an offender housing unit. During the random offender interviews it was confirmed that offenders have privacy to perform bodily functions and cross gender staff announcements are made.

Smith State Prison does not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it is determined during conversations with the offender, 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. There were no transgender offenders at the prison at the time of the audit but based on staff interviews transgender/intersex offenders would not be searched for sole purpose of determining the offender's genital status.

Georgia Department of Corrections trains security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Random staff interviews confirmed they have been trained in cross gender pat down searches.

<b>§115.16</b>	<b>Offenders with disabilities and limited English speaking</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV A. 8 (a & b); Language Line contract; Staff Interpreters spreadsheet, PREA Pamphlet and random offender and staff interviews as well as interview with limited English speaking offender I find they meet this standard.

Georgia Department of Corrections takes appropriate steps to ensure offenders with disabilities (including, for example, offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of Georgia Department of Corrections' efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Georgia Department of Corrections does not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety. None have been used or required. The PREA Pamphlet is in both English/Spanish. Smith State Prison has a contract with the Language Line to provide translation for other languages as well as sign language for the deaf. Interview with limited English Speaking inmate confirmed he understood PREA.

<b>§115.17</b>	<b>Hiring and promotion decisions</b>
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- X Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV A. 9 (a-d); SOP IV. O. 03-0012; SOP IV. O. 05-0001; Applicant Verification Form with PREA Questions and interview with Human Resource Manager as well as review of personnel files I find they exceed this standard.

Georgia Department of Corrections does not hire or promote anyone who may have contact with offenders, and does not enlist the services of any contractor who may have contact with offenders, who has engaged in sexual abuse in any criminal justice facility, 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; or has been civilly or administratively adjudicated to have engaged in the activity described above. Based on interview with human resources all applicants have a background check done prior to job offer, if any sexual activity is discovered during the background screening they would not be offered a job.

Georgia Department of Corrections considers 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 offenders.

Georgia Department of Corrections performs a criminal background records check before enlisting the services of any contractor who may have contact with offenders performs and records check annually of current employees/contractors and volunteers who may have contact with offenders. Review of personnel files confirmed the background checks are being done.

Based on annual criminal histories being run on all staff/contractor and volunteers I find they exceed this standard.

<b>§115.18</b>	<b>Upgrades to facilities and technology</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV A. 10 and interview with Commissioner and warden I find they meet this standard.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, Georgia Department of Corrections considers how such technology may enhance Georgia Department of Corrections' ability to protect offenders from sexual abuse. There have been no substantial or modifications to existing facilities. Smith State Prison currently utilizes 135 cameras throughout the facility and compound that are used to prevent sexual abuse and investigate allegations of wrongdoing. When installing new equipment, the Warden, Deputy Warden of Security, and facility SART will ensure it is used to protect offenders

form sexual abuse. Next week their cameras are being updated and the warden and Commissioner will have access to view the cameras from their cell phone.

**§115.21 Evidence protocol and forensic medical exams**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV B. 1 (a-f); SOP IK01-0006; SANE Callout Roster; NIC Certificate for PREA-Behavioral Healthcare for Sexual Assault Victims in Confinement; Sexual Abuse Response Checklist; Procedure for SANE nurse Evaluation/Forensic Collection; Medication Guidelines for Sexual Assault Patients; agreement with Rape Crisis Center of the Coastal Empire and interview with SANE staff and PREA compliance manager I find they meet this standard.

To the extent Georgia Department of Corrections is responsible for investigating allegations of sexual abuse; Georgia Department of Corrections follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

Georgia Department of Corrections offers all victims of sexual abuse access to forensic medical examinations, at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations are performed by Sexual Assault Nurse Examiners (SANEs) from the Rape Crisis Center of the Coastal Empire.

Georgia Department of Corrections makes available to the victim a victim advocate from the Rape Crisis Center of the Coastal Empire.

As requested by the victim, either a trained staff victim advocate or a victim advocate from the Rape Crisis Center of the Coastal Empire accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provide emotional support, crisis intervention, information, and referrals. Smith State Prison has designated one counselor and the Chaplain as possible victim advocates in the event the offender would feel better having a staff member accompany them.

**§115.22 Policies to ensure referrals of allegations for investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV G; SOP IK01-0005; SOP IK01-0006 and interview with Commissioner and investigative staff I find they meet this standard.

Georgia Department of Corrections ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Smith State Prison follows the standards set forth by the Georgia Department of Corrections in policy number 208.06. The Department's response to sexual assault follows "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents." When an incident is reported, a physical examination of the alleged victim is conducted and SANE protocol is initiated. The Warden will immediately ensure an investigation is referred to the GDC Internal Investigations Unit. Referrals to outside law enforcement agencies will be made with the cooperation of the Internal Investigations Unit.

Georgia Department of Corrections has a policy that ensures 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. Georgia Department of Corrections publishes such policy on its website [or www.dcor.state.ga.us](http://www.dcor.state.ga.us). Georgia Department of Corrections documents all such referrals. Whenever an allegation is made, the Warden will notify the GDC Internal Investigations Unit. This notification will be made in writing and the notification will become part of the PREA investigation.

Smith State Prison documents all such referrals. Whenever an allegation is made, the Warden will notify the GDC Internal Investigations Unit. This notification will be made in writing and the notification will become part of the PREA investigation. This practice was confirmed during the review of the investigative files.

<b>§115.31</b>	<b>Employee training</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV C. 2; In Service Training Records; Sexual Assault/Sexual Misconduct Acknowledgement Statement; PREA Staff Meeting; PREA 1<sup>st</sup> responder card; Training Roster – Sign In Sheet and Staff Guide on Prevention and Reporting of Sexual Misconduct with Offenders and interview with random staff I find they meet this standard.

Georgia Department of Corrections trains all employees who have contact with offenders on:

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Offenders' right to be free from sexual abuse and sexual harassment;
- (4) The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with offenders;
- (9) How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and

(10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

All staff has received PREA training during in service training. Smith State Prison is in compliance with this standard based on review of training records and random staff interviews.

The training is tailored to the gender of the offenders at the facility. The employees receive additional training if the employee is reassigned from a facility that houses only male offenders to a facility that houses only female offenders, or vice versa. Staff receives training based on the population of Smith State Prison they are assigned to.

Georgia Department of Corrections documents, through employee signature, those employees understand the training they have received. I confirmed this practice in reviewing the Sexual Assault/Sexual Misconduct Acknowledgement Statement contained in the personnel files.

<b>§115.32</b>	<b>Volunteer and contractors training</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV C. 3 (a-c) and reviewed Sexual Assault/Sexual Misconduct Acknowledgement Statement for Supervised Visitors and viewed "What is PREA" Power Point and interview with volunteer and contractors I find they meet this standard.

Georgia Department of Corrections ensures all volunteers and contractors who have contact with offenders have been trained on their responsibilities under Georgia Department of Corrections' sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

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 offenders, but all volunteers and contractors who have contact with offenders are notified of Georgia Department of Corrections' zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Georgia Department of Corrections has documentation confirming that volunteers and contractors understand the training they have received. All volunteers sign a Sexual Assault/Sexual Misconduct Acknowledgement Statement. Volunteers and contractors interviewed confirmed they had received this training.

<b>§115.33</b>	<b>Offender education</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV C.4; SOP II B18-0001; Sexual Abuse Review Checklist; PREA Sexual Victimization/Aggressor classification Screening; Sexual Abuse Review Checklist; Offender Handbook; PREA Pamphlet and interview with random offenders and intake staff I find they meet this standard.

During the intake process, offenders receive information explaining Georgia Department of Corrections' zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. During the intake process all offenders receive the PREA pamphlet and are verbally instructed on PREA reporting. Offenders are placed in a pre-classification housing unit until such time as they are classified.

Smith State Prison provides a comprehensive education to offenders every Tuesday and Thursday in person and shows the PREA video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. For offenders that arrive on Thursday their comprehensive education is either conducted that same day or the following Tuesday depending on the size of the new arrivals. They are all classified at this time as well.

Georgia Department of Corrections provides offender education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to offenders who have limited reading skills. There is documentation of offender participation in these education sessions. The PREA Pamphlet is in both English/Spanish; Smith State Prison has a contract with the Language Line to provide translation for other languages as well as sign language for the deaf. There have been no disabled offenders assigned to this prison.

PREA information is shown daily on the housing units TV on Channel 42 up until 4:30 when regular programming starts. My notices were also posted on the video. This practice was confirmed during the tour and random offender interviews.

Based on PREA video being shown on TV and comprehensive training being completed within a few days if not the same day I find they exceed in this standard.

**§115.34 Specialized training: Investigators**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV C. 5; In Service Training Records; NIC Certificate PREA Investigating Sexual Abuse in a Confinement Setting; Compliance Manager Training and PowerPoint Lesson Plan and interview with investigative staff I find they meet this standard.

In addition to the general training provided to all employees Georgia Department of Corrections ensures that the in house investigators have received training in conducting investigations in confinement settings.

Specialized 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. Georgia Department of Corrections maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. Smith State Prison personnel who are tasked with conducting investigations or acting in any capacity with a PREA investigative team are required to attend a specialized PREA training class using the NIC Specialized Training PREA Investigating Sexual Abuse in a Confinement Setting curriculum. At the conclusion of the class members are given a written exam to ensure their understanding of the class instruction and content delivered. Class attendance is documented locally by the GDC Training Division. All allegations of sexual misconduct are reported to the GDC Internal Investigations Unit. Staff of that unit has received specialized training regarding the techniques for investigating PREA-related issues.

<b>§115.35</b>	<b>Specialized training: Medical and mental health care</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV. C. 6.; NIC Certificate – PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting and Lesson Plan and interview with medical I find they meet this standard.

Georgia Department of Corrections ensures that all full time medical practitioners who work regularly in its facilities have been trained in how to: detect and assess signs of sexual abuse and sexual harassment; preserve physical evidence of sexual abuse; respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Smith State Prison medical personnel are required to attend a specialized PREA training class using the NIC Specialized Training PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting curriculum. At the conclusion of the class members are given a written exam to ensure their understanding of the class instruction and content delivered. Mental health services are provided via Tele Psych or the offender is transferred to Augusta State Prison if further mental health care is warranted.

Georgia Department of Corrections maintains documentation that medical practitioners have received the training. Medical health care staff is only present 14 hours a day and there is an emergency call list for security to use in the event an incident occurs after hours.

Medical health care practitioners also receive the training mandated for employees, contractors and volunteers. All medical and mental health practitioners receive the same PREA training for regular staff. This was confirmed during the interviews and review of training records.

**§115.41 Screening for risk of victimization and abusiveness**

X Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV D. 1 (a-h); Victim/Aggressor Classification Rating; PREA Sexual Victim/Sexual Aggressor Classification Screening and 90 Day Offender Sexual Abuse Review Check and interview with random offenders and intake staff responsible for screening I find they exceed this standard.

All offenders are assessed during an intake screening and upon transfer to another facility for risk of being sexually abused by other offenders or sexually abusive toward other offenders. Smith State Prison uses The Victim/Aggressor Classification Screening which is an objective screening tool to conduct this intake.

Intake screenings take place immediately upon arrival at the facility.

Smith State Prison uses The Victim/Aggressor Classification Screening which is an objective screening instrument.

The intake screening considers, at a minimum, the following criteria to assess offenders for risk of sexual victimization:

- (1) Whether the offender has a mental, physical, or developmental disability;
- (2) The age of the offender;
- (3) The physical build of the offender;
- (4) Whether the offender has previously been incarcerated;
- (5) Whether the offender's criminal history is exclusively nonviolent;
- (6) Whether the offender has prior convictions for sex offenses against an adult or child;
- (7) Whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- (8) Whether the offender has previously experienced sexual victimization;
- (9) The offender's own perception of vulnerability; and
- (10) Whether the offender is detained solely for civil immigration purposes.

The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to Georgia Department of Corrections, in assessing offenders for risk of being sexually abusive.

Within 30 days from the offender's arrival at the facility, Smith State Prison reassesses the offender's risk of victimization or abusiveness based upon any additional, relevant information received by Smith State Prison since the intake screening. This was confirmed during interview with intake staff and review of the PREA Reassessment Classification Screening form.

An offender's risk level is reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. Any offender who has been identified as needing further evaluation due to additional information received will be reassessed when warranted. This was confirmed during interview with intake staff.

Offenders are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked. No offender is ever disciplined for refusing to participate in the intake process, if an offender refuses to answer the questions during intake the counselor will meet with that offender at a later time to conduct the rest of the screening. Those offenders would be placed in appropriate housing until a proper classification screening could be done.

Georgia Department of Corrections implements appropriate controls on the dissemination within Smith State Prison of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders. Only medical, counselors and Deputy Warden of Care and Treatment have access to this information.

<b>§115.42</b>	<b>Use of screening information</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV D. 2 (a-d); 90 day Offender Sexual Abuse Review Checklist and interview with PREA compliance manager and staff responsible for risk screening I find they meet this standard.

Georgia Department of Corrections uses information from the risk screening to decide 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. All information received from the offender during the intake process on the risk screening is used to determine housing, bed assignments, work, education and programming.

Georgia Department of Corrections makes individualized determinations about how to ensure the safety of each offender. Each offender's information is evaluated on a case by case basis to ensure the safety of the offender.

No transgender/intersex offender has been housed at Smith State Prison however policies are in place that address the following:

In deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, Georgia Department of Corrections considers 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.

Placement and programming assignments for each transgender or intersex offender is reassessed at least twice each year to review any threats to safety experienced by the offender.

A transgender or intersex offender's own views with respect to his or her own safety are given serious consideration.

Transgender and intersex offenders are given the opportunity to shower separately from other offenders.

Georgia Department of Corrections does not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such 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 such offenders.

<b>§115.43</b>	<b>Protective custody</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV D. 3. (a-d); SOP IIB09-0001 and interview with warden I find they meet this standard.

No offenders have been placed in involuntary segregation housing, however policies are in place that addresses the following:

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.

Offenders placed in segregated housing for this purpose have access to programs, privileges, education, and work opportunities to the extent possible. If Smith State Prison restricts access to programs, privileges, education, or work opportunities, Smith State Prison documents the opportunities that have been limited, the duration of the limitation; and the reasons for such limitations.

Smith State Prison assigns such offenders to involuntary segregated housing 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 involuntary segregated housing assignment is made Smith State Prison clearly documents the basis for the facility's concern for the offender's safety; and the reason why no alternative means of separation can be arranged. Every 30 days a review is performed to determine whether there is a continuing need for separation from the general population.

<b>§115.51</b>	<b>Offender reporting</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

### **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV E. 1. (a-e) Offender Handbook; Staff PREA Information Pamphlet; Offender Handbook; PREA Pamphlet English/Spanish and interviews with random staff and offenders I find they meet this standard.

Georgia Department of Corrections provides multiple internal ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Smith State Prison offenders' may make a report of sexual abuse, sexual harassment, or retaliation in writing, verbally, by utilizing the PREA hotline, and by phone or mail to the Department Ombudsman Office, and Pardons and Paroles. Offenders are encouraged to report allegations immediately and directly to staff at all levels. All reports are promptly documented and reported to the proper authority.

Georgia Department of Corrections provides at least one way for offenders to report abuse or harassment to a public or private entity or office that is not part of Georgia Department of Corrections, and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request. Smith State Prison staff provides offenders at orientation with information from Rape Crisis Center of Coastal Empire.

Staff accepts reports made verbally, in writing, anonymously, and from third parties and promptly document any verbal reports. Smith State Prison staff has been trained to forward all reports or observations of sexual assault/harassment to their immediate supervisor and/or designated SART member promptly. These reports may be made in writing, verbally, anonymously, or from third parties.

Georgia Department of Corrections provides a method for staff to privately report sexual abuse and sexual harassment of offenders at [PREA.reports@gdc.ga.gov](mailto:PREA.reports@gdc.ga.gov).

<b>§115.52</b>	<b>Exhaustion of administrative remedies</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

### **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDC 208.06 IV. E. 1.2. and SOP IIB05-0001 I find they meet this standard.

No offender has filed a PREA related grievance however there are policies in place that address the following:

Georgia Department of Corrections does not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse. Smith State Prison does not impose time restrictions upon residents in regard to filing grievances alleging sexual abuse prior to or upon completion of a SART investigation.

Georgia Department of Corrections does not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Any

allegation of sexual abuse, reported by any means, will be treated as a formal allegation and forwarded to the GDC Internal Investigation Unit for full investigation.

Georgia Department of Corrections ensures that an offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and such grievance is not referred to a staff member who is the subject of the complaint. All grievances filed at Smith State Prison can be submitted to any counselor. In a case where the offender's counselor is the subject of the complaint, any other counselor can be utilized to submit the grievance.

Georgia Department of Corrections issues 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. The facility's policy establishes that the Warden will issue a final decision. Smith State Prison adheres to the policies set forth by the Georgia Department of Corrections in its Statewide Grievance Procedure Reference Number: IIB05-0001 to address PREA related grievances. A copy of this policy is attached. According to this policy:

At any time before the Warden's Grievance decision is delivered to the offender, the Warden If an offender files a grievance involving sexual assault or physical force involving non-compliance with Department policies; such actions automatically end the grievance process. These grievances are automatically forwarded through the Scribe application to the Internal Investigation Unit and/or the PREA Coordinator for review and whatever action is deemed appropriate.

Once a grievance is referred to the Internal Investigations Unit and/or the PREA Coordinator, this would be the final action that will be taken on the Grievance and terminates the grievance procedure.

Notice that the grievance was forwarded to the Internal Investigations Unit and/or the PREA Coordinator will be generated through the Scribe grievance application. That letter must be handed to the offender and the offender must sign a copy, which will then be placed in the local file.

The offender will be provided with a copy of this signed letter. GDC's Internal Investigations will issue a final agency decision on the merits of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

Computation of the 90 day time period shall not include time consumed by offenders in preparing any administrative appeal.

GDC may claim an extension of time to respond, up to 70 days, if the normal time period for response is insufficient to make an appropriate decision.

At any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for a reply, including any properly noted extension, the offender may consider the absence of a response to be a denial at that level.

Third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, are permitted to assist offenders in filing requests for administrative remedies relating to allegations of sexual abuse, and are also be permitted to file such requests on behalf of offenders. Smith State Prison accepts notification reports of sexual assault/harassment from third parties.

Georgia Department of Corrections has established procedures for the filing of an emergency grievance when the offender is subject to a substantial risk of imminent sexual abuse. Smith State Prison adheres to the policies set forth by the Georgia Department of Corrections in its Statewide Grievance Procedure Reference Number: IIB05-0001 to address PREA related grievances. The Statewide Grievance Procedure includes a process for the handling of emergency grievance. A copy of this policy is attached.

After receiving an emergency grievance alleging a substantial risk of imminent sexual abuse, Georgia Department of Corrections immediately forwards 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 is taken, and provides an initial response within 48 hours, and issues a final agency decision within 5 calendar days. The initial response and final agency decision documents Georgia Department of Corrections' determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. Smith State Prison adheres to the policies set forth by the Georgia Department of Corrections in its Statewide Grievance Procedure Reference Number: IIB05-0001 to address PREA related grievances. The Statewide Grievance Procedure includes a process for the handling of emergency grievance.

Georgia Department of Corrections may discipline an offender for filing a grievance related to alleged sexual abuse only where Georgia Department of Corrections demonstrates that the offender filed the grievance in bad faith. If it is determined that an offender has filed a grievance related to an alleged sexual abuse and the grievance is filed in bad faith the offender is subject to disciplinary sanctions (SOP IIB02-00, Attachment 5 – sanctions) as allowed by the Georgia Department of Corrections.

<b>§115.53</b>	<b>Offender access to outside confidential support services</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDC SOP 208.06 IV. E. 3; PREA Pamphlet English/Spanish and interview with random offenders I find they meet this standard.

Smith State Prison provides offenders with access to outside victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. Smith State Prison enables reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible. Smith State Prison offenders will be notified of the community Rape Crisis Center of the Coastal Empire during Orientation. The staff provides the contact information for Rape Crisis Center of the Coastal Empire. This information is also available to them upon request. An offender may make a verbal or written request to staff to contact a victim service advocate or agency at any time. All reasonable measures will be taken to allow for as much privacy as possible.

Smith State Prison informs offenders, 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. If offenders of Smith State Prison request to contact the rape crisis organization, staff will make every effort to offer the offender reasonable privacy while maintaining visual security if located in restricted or sensitive areas within the facility. Offenders will typically utilize the phone in their counselor's office. The counselor will ensure privacy while the resident is contacting the rape crisis counseling provider.

Georgia Department of Corrections maintains a partnership with Rape Crisis Center of the Coastal Empire.

<b>§115.54</b>	<b>Third party reporting</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV E. 4 and checking the website prior to the audit I find they meet this standard. I also reviewed one investigative file where a parent called in reporting that her son alleged being assaulted. The offender when interviewed denied this allegation.

Georgia Department of Corrections has a method to receive third-party reports of sexual abuse/harassment and distributes publicly, information on how to report sexual abuse and sexual harassment on behalf of an offender. Visitors can go to [www.dcor.state.ga.us](http://www.dcor.state.ga.us)

<b>§115.61</b>	<b>Staff and agency reporting duties</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on review of GDOC SOP 208.06 IV F. 1. (g-i); PREA brochure and interviews with random staff; warden and medical staff I find they meet this standard.

Georgia Department of Corrections requires 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 Georgia Department of Corrections; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. In accordance with GDC SOP 208.06, all personnel at Smith State Prison are provided with PREA training that instructs them on the proper procedure for reporting any incidents that are in any way related to PREA. This was confirmed during the random staff interviews.

Apart from reporting to designated supervisors or officials, staff does not reveal 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.

The facility's staff is instructed through PREA training that any information obtained is limited to 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. Information is not to be indiscriminately discussed. Supervisors will always remind staff of this issue when staff report PREA-related issues to their supervisor.

If the alleged victim is considered a vulnerable adult under a State statute Chapter 5 of Title 30 of the Official Code of Georgia 1-10 Annotated, the " Disabled Adults and Elder Persons Protection Act, Georgia Department of Corrections reports the allegation to the designated State or local services agency under applicable mandatory reporting laws. Smith State Prison does not house Offenders under the age of 18. However, the Smith State Prison follows all State and Federal PREA policies and will comply with this standard in the event offenders under the age of 18 or offender considered vulnerable are involved in a PREA-related issue. This will be done in accordance with GDC SOP 208.06 and in coordination with GDC Internal Investigations.

Smith State Prison reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators. In accordance with GDC SOP 208.06, all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, will be reported to the facility, SART, GDC Statewide PREA Coordinator, and the GDC Internal Investigations Unit. The Warden will be responsible for ensuring these notifications are made as soon as possible.

§115.62	<b>Agency protection duties</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC 208.06 IV.F.2 and interviews with random staff and warden I find they meet this standard.

Immediate action is taken to protect offenders when Georgia Department of Corrections learns that an offender is subject to a substantial risk of imminent sexual abuse. If an offender at Smith State Prison is determined to be in imminent danger of sexual abuse, the Warden will be notified immediately and the offender will be housed in Administrative Segregation or the safe house immediately in order to protect them.

§115.63	<b>Reporting to other confinement facilities</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV F. 3 (a-d) and interview with Commissioner and warden I find they meet this standard.

Upon receiving an allegation that an offender was sexually abused while confined at another facility, the head of Smith State Prison that received the allegation notifies the head of the other facility or appropriate office of Georgia Department of Corrections where the alleged abuse occurred. Such notification is provided as soon as possible, but no later than 72 hours after receiving the allegation, and all actions are thoroughly documented. In cases where an offender of Smith State Prison is sexually abused while confined at another facility the PREA Compliance Manager will immediately upon notification notify the head of that facility, the facility's Warden, SART, the GDC PREA Coordinator, and GDC Internal Investigations.

§115.64

**Staff first responder duties**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV F. 4; Sexual Abuse Response checklist; Coordinated Response Plan and interview with security staff who are first responders and random staff I find they meet this standard.

Upon learning of an allegation that an offender was sexually abused, the first security staff member to respond separates the alleged victim and abuser; preserves and protects any crime scene until appropriate steps can be taken to collect any evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, 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; and if the abuse occurred within a time period that still allows for the collection of physical evidence, 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. Smith State Prison uses the Sexual Abuse Response Checklist which outlines the steps to take as a first responder. This was confirmed by random staff interviews.

If the first staff responder is not a security staff member, the responder request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff. All non-security staff interviewed acknowledged they had been trained on what to do in the event a sexual assault was reported to them. This was confirmed by interviewing non- security staff members.

§115.65

**Coordinated response**

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV F.5.; Coordinated Response Plan and interview with warden I find they meet this standard.

Smith State Prison has 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. Smith State Prisons a written Coordinated Response plan that identifies the roles of each individual involved in the PREA investigations.

§115.66

**Preservation of ability to protect offenders from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- X Not applicable Standard

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDC SOP 208.06 IV. F. 4. and interview with Commissioner I find this standard does not apply.

Georgia Department of Corrections does not have collective bargaining.

§115.67

**Agency protection against retaliation**

- Exceeds Standard (substantially exceeds requirement of standard)
- X Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV F. 6 (a-e); 90 day Offender Abuse Review Checklist and interview with Commissioner, warden and designated staff member with monitoring retaliation I find they meet this standard.

Georgia Department of Corrections has a policy to protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff, and designate which staff members or departments are charged with monitoring retaliation. Smith State Prison personnel will protect offenders and staff who report sexual abuse, sexual misconduct, or sexual harassment from retaliation. The Warden has identified the Chaplain as the Retaliation Monitor as outlined in the Local Procedure Directive (GDC SOP IIA21-0001 Attachment 9-Local Procedure Directive) to monitor for retaliation. Anyone who retaliates against a staff member or an offender who has reported in good faith an allegation of sexual abuse or sexual harassment in good faith shall be subject to disciplinary action.

Georgia Department of Corrections has multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Multiple protection measures are available at Smith State Prison which include offender housing changes or transfers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff who fear retaliation for reporting or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, Georgia Department of Corrections monitors the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff, and act promptly to remedy any such retaliation. There is periodic status checks performed. Items Georgia Department of Corrections should monitor include any offender disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. Georgia Department of Corrections continues such monitoring beyond 90 days if the initial monitoring indicates a continuing need.

Based on interview with the Chaplain charged with monitoring retaliation, will monitor for at least 90 days following a report of abuse, monitor the conduct and treatment of offenders or staff who reported the sexual abuse to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation. This monitoring includes review of any offender disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. Such monitoring will continue beyond 90 days if the initial monitoring indicates a continuing need.

If any other individual who cooperates with an investigation expresses a fear of retaliation, Georgia Department of Corrections takes appropriate measures to protect that individual against retaliation. If any other individuals/offenders, who are cooperating with the investigation, feel a need for retaliation monitoring, the Chaplain will serve in this capacity for these identified individuals.

§115.68

**Post allegation protective custody**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDC SOP 208.06 IV. F. 13. and interview with warden I find they meet this standard.

Any use of segregated housing to protect an offender who is alleged to have suffered sexual abuse receives all the same rights and privileges as general population offenders.

§115.71	<b>Criminal and administrative agency investigation</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV G. 3; Staff Training Roster; NIC Certificate PREA Investigating Sexual Abuse in a Confinement Setting and interview with investigative staff I find they meet this standard.

Georgia Department of Corrections conducts its own investigations into allegations of sexual abuse and sexual harassment, it does so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. All initial abuse and harassment allegation investigations will be conducted by Smith State Prison Sexual Abuse Response Team (SART). Substantiated SART investigations will immediately be referred to the Georgia Department of Corrections OIC Criminal Investigations Division and unsubstantiated SART investigations shall be referred to the Office of Professional Standards for an administrative review.

Where sexual abuse is alleged, Georgia Department of Corrections uses investigators who have received special training in sexual abuse investigations. All SART team members are required to attend additional PREA training.

Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator. Smith State Prison follows the procedures set forth in policy number 208.06. Smith State Prison follows a uniform evidence protocol that maximizes the potential for obtaining usable (physical) evidence for administrative proceedings and criminal prosecutions. The response to sexual assault follows the U.S. Department of Justice’s Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents, dated April 2013, or the most current version. SANE protocols and SART investigation procedures are initiated.

When the quality of evidence appears to support criminal prosecution, Georgia Department of Corrections conducts compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. Smith State Prison complies with this standard by following policies and procedures as outlined in the

Georgia Department of Corrections policy number 208.06 in regard to PREA Investigations concerning criminal prosecutions.

The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as offender or staff. No agency requires an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. Smith State Prison complies with this standard by following policies and procedures as outlined in the Georgia Department of Corrections policy number 208.06 in regard to PREA investigations regardless of the credibility of those individuals involved.

Criminal investigations are documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Criminal investigation reports involving a PREA investigation will be maintained locally as part of the SART investigation for a period of no less than five years in the office of the Deputy Warden of Security.

Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that contain a thorough description of physical, testimonial, and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings, and attaches copies of all documentary evidence where feasible.

Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

Georgia Department of Corrections retains all written reports for as long as the alleged abuser is incarcerated or employed by Georgia Department of Corrections, plus five years. Smith State Prison complies with this standard by following policies and procedures as outlined in the Georgia Department of Corrections policy number 208.06 in regard to PREA Investigations concerning criminal prosecutions.

The departure of the alleged abuser or victim from the employment or control of Smith State Prison or agency does not provide a basis for terminating an investigation. Smith State Prison complies with this standard by following policies and procedures as outlined in the Georgia Department of Corrections policy number 208.06 in regard to PREA Investigations concerning criminal prosecutions.

§115.72

### **Evidentiary standard for administrative investigation**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

#### **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV G. 14 and interview with investigative staff I find they meet this standard.

Georgia Department of Corrections imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

§115.73

**Reporting to offenders**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV G. 15; PREA Allegation Notification Letter and interview with warden and investigative staff I find they meet this standard.

Following an investigation into an offender's allegation that they suffered sexual abuse in an agency facility, Georgia Department of Corrections informs the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Smith State Prison complies with this standard by following Georgia Department of Corrections policy number 208.06, which states, "Smith State Prison shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. This will be completed by a member of the local SART unless the appointing authority delegates to another designee under certain circumstances. Such notifications or attempted notifications shall be documented. Following an offender's allegation that a staff member has committed sexual abuse against the offender, and upon completion of the Internal Investigation, an assessment of the appropriateness of notification will be made by the Appointing Authority in consultation with Departments Legal Office. If determined that notification is appropriate, it will be made in accordance with 28 CFR § 115.73."

If Georgia Department of Corrections did not conduct the investigation, it requests the relevant information from the investigative agency in order to inform the offender. Smith State Prison will obtain a copy of the investigation document and make proper notification to the offender as defined by policy SOP 208.06.

Following an offender's allegation that a staff member has committed sexual abuse against the offender, Georgia Department of Corrections subsequently informs the offender (unless Georgia Department of Corrections has determined that the allegation is unfounded) whenever the staff member is no longer posted within the offender's unit; the staff member is no longer employed at the facility; Georgia Department of Corrections learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or Georgia Department of Corrections learns that the staff member has been convicted on a charge related to sexual abuse within the facility. Smith State Prison will comply with this directive by following Georgia Department of Corrections policy 208.06 which states, "Following an offender's allegation that a staff member has committed sexual abuse against the offender, and upon completion of the Internal Investigation, an assessment of the appropriateness of notification will be made by the Appointing Authority in consultation with Department's Legal Office. If determined that notification is appropriate, it will be made in accordance with 28 CFR § 115.73."

Following an offender's allegation that they had been sexually abused by another offender, Georgia Department of Corrections subsequently informs the alleged victim whenever Georgia Department of Corrections learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or Georgia Department of Corrections learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. Smith State Prison adheres to the policy defined above as provided for in Georgia Department of Corrections policy SOP 208.06.

This practice was confirmed during the review of the investigative files which had a copy of the Notification letter.

All such notifications or attempted notifications are documented. Smith State Prison adheres to the policy defined above as provided for in Georgia Department of Corrections policy SOP 208.06. All PREA documentation is restricted to only necessary staff as clearly outlined in GDC policy.

An agency's obligation to report under this standard is terminated if the offender is released from Georgia Department of Corrections' custody. Smith State Prison adheres to this standard by following Georgia Department of Corrections policy SOP 208.06 in which it states, "Smith State Prison shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. This will be completed by a member of the local SART unless the appointing authority delegates to another designee under certain circumstances. Such notifications or attempted notifications shall be documented. A Department's obligation to report under this standard shall terminate if the offender is released from the Department's custody."

§115.76

#### **Disciplinary sanctions for staff**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

#### **Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV H; Sexual Assault/Sexual Misconduct Acknowledgment Statement.

Staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse. In accordance with GDC SOP 208.06, staff that engage in sexual misconduct with offenders shall be banned from correctional institutions and subject to disciplinary action, up to and including termination, and may also be referred for criminal prosecution, when appropriate.

Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are 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. In accordance with GDC SOP 208.06, disciplinary sanctions for violations of GDC policy relating to sexual

abuse or sexual harassment will be commensurate with the nature of the circumstances of the acts committed, the staff member's disciplinary history, and the sanctions.

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, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. All The facility's staff/contractors that do not adhere to the PREA standards set forth in Georgia Department of Corrections policy number 208.06 will be subject to the disciplinary standards as defined by that same policy. Staff members who are found to have engaged in sexual misconduct/abuse shall be banned from correctional institutions or subject to disciplinary sanctions up to and including termination. Staff may also be referred for criminal prosecution and the incident will be reported, as required, to the Georgia Peace Officers Standards and Training Council (POST). Contractors and Volunteers who engage in sexual abuse will be prohibited from contact with offenders and reported to the appropriate law enforcement agencies, unless the activity was not criminal. Appropriate licensing agencies and/or the Georgia Peace Officer Standards will be notified.

§115.77	<b>Corrective action for contractors and volunteers</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV H. 2; Sexual Assault/ Sexual Misconduct Acknowledgement Statement and interview with warden I find they meet this standard.

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with offenders and are reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The facility's staff will immediately remove any contractor or volunteer from Smith State Prison if they engage in sexual abuse. The contractor/volunteer will be prohibited from contact with residents and will report to the appropriate law enforcement agency. The relevant licensing body will also be notified.

Smith State Prison takes appropriate remedial measures, and considers whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. All The facility's volunteers and contractors that do not adhere to the PREA standards set forth in Georgia Department of Corrections policy number 208.06 will be subject to the disciplinary standards as defined by that same policy. Remedial measures may include prohibiting contact with residents and reporting the incident to the appropriate law enforcement agency.

§115.78	<b>Disciplinary sanctions for offenders</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV H.3.; SOP II. B 02-0001 and interview with medical staff I find they meet this standard.

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 following a criminal finding of guilt for offender-on-offender sexual abuse. Smith State Prison will subject offenders 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. These sanctions will be imposed in accordance with GDC SOP IIB02-0001 and 208.06.

Sanctions are commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories. Sanctions will be commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories. Sanctions are covered by GDC SOP IIB02-0001.

The disciplinary process considers whether an offender's mental disabilities or mental illness contributed to his behavior when determining what type of sanction, if any, should be imposed. GDC SOP IIB02-0001 requires staff to consider an offender's mental disability or mental illness during the disciplinary hearing process and when determining appropriate sanctions. GDC SOP VG34-0001 also addresses this issue.

Therapy is not provided at Smith State Prison except through tele-psych. If an inmate needs further mental health services they are sent to Augusta State Prison. This practice was confirmed during the review of investigative files.

Georgia Department of Corrections disciplines an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

Georgia Department of Corrections prohibits all sexual activity between offenders and may discipline offenders for such activity.

§115.81

**Medical and Mental health screening; history of sexual abuse**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of Mental Health Services form and PREA Sexual Victim/Sexual Aggressor Classification Screening and interviews with staff responsible for risk screening and medical health staff I find they meet this standard.

If the screening indicates that an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensure that the offender is offered a follow-up meeting with medical within 14 days of the intake screening.

If the screening indicates that an offender has previously perpetrated sexual abuse/prior sexual victimization, 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. This would be accomplished using tele-psych.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly 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.

Medical and mental health practitioners obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting.

§115.82	<b>Access to emergency medical and mental health services</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of SOP IIA21-0001; SANE nurse Call Roster and interview with medical I find they meet this standard.

Offender 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.

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders take preliminary steps to protect the victim and immediately notify the appropriate medical and mental health practitioners.

Offender victims of sexual abuse while incarcerated are 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. All doctors' orders received from the hospital are carried out at the facility.

Treatment services are 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. Offenders are never charged for incidents arising out of a sexual assault.

§115.83

**Ongoing medical and mental health care for sexual abuse victims**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of SOP VG55-0001 Mental Health Management of Suspected Sexual Abuse, Contact or Harassment; SOP VH85-0001 Forensic Information; SOP VH85-0002 Medical Management of Suspected Sexual Assault, Abuse or Harassment and Medical PREA Log and interview with medical staff I find they meet this standard.

Smith State Prison offers medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

In providing ongoing medical treatment services, Smith State Prison will utilize the medical services of Georgia Department of Corrections medical staff. In providing ongoing mental health services Smith State Prison will utilize the services of tele-psych or they can transfer the inmate to Augusta State Prison. These services will be provided at no cost to the offender in the case of sexual abuse victims or abusers.

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. In providing follow-up services, Smith State Prison medical, GDC medical utilize treatment plans, referrals and, if necessary, placement in other facilities.

Smith State Prison provides such victims with medical and mental health services consistent with the community level of care. This is consistent with GDC SOP VH-08-0002.

Offender victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. All The facility's offenders who are victims of Sexual assault are treated by the Sexual Assault Nurse Examiner (SANE). Depending on the circumstances of the abuse, testing for sexually transmitted infections may be conducted at Smith State Prison at no cost to the resident.

Treatment services are 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. Smith State Prison does not charge residents for PREA related treatments or services.

Smith State Prison shall attempt to conduct a mental health evaluation of all known offender-on-offender abusers within 60 days of learning of such abuse history and offer treatment when

deemed appropriate by mental health practitioners. All the facility's offender's that have been identified as having PREA concerns are interviewed by the local PREA Coordinator as part of the intake process. Any offenders who are known to be offender-on-offender abusers will be referred for mental health treatment immediately. Treatment will be provided, at no cost to the offender, as long as the mental health professionals deem it necessary.

§115.86	<b>Sexual abuse incident reviews</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of GDOC SOP 208.06 IV J; Sexual Abuse Incident Review Checklist and interview with warden, PREA compliance manager and incident review team I find they meet this standard.

Smith State Prison 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. This review occurs 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.

The review team considers whether the allegation 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; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; and they examine the area in Smith State Prison where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; assess the adequacy of staffing levels in that area during different shifts; assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

This practice was confirmed during review of investigative files.

§115.87	<b>Data collection</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of Monthly PREA Log and annual report I find they meet this standard.

Georgia Department of Corrections collects accurate, 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 Department of Justice. No request has been received for this report from Smith State Prison.

Georgia Department of Corrections maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Georgia Department of Corrections obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its offenders.

Upon request, Georgia Department of Corrections provides all such data from the previous calendar year to the Department of Justice no later than June 30.

§115.88

**Data review for corrective action**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on interview with PREA coordinator and review of annual report I find they meet this standard.

Georgia Department of Corrections reviews 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, as well as Georgia Department of Corrections as a whole.

Such reports includes a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of Georgia Department of Corrections' progress in addressing sexual abuse.

Georgia Department of Corrections' report is approved by Georgia Department of Corrections head and made readily available to the public through its website [www.dcor.state.ga.us/pdf/GDC-Annual-PREA-Report-CY2015.pdf](http://www.dcor.state.ga.us/pdf/GDC-Annual-PREA-Report-CY2015.pdf)

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

**Auditor comments, including corrective actions needed if does not meet standard**

Based on review of SOP 208.06; interview with PREA Coordinator and review of annual report on the web site I find they meet this standard.

Georgia Department of Corrections makes 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 [www.dcor.state.ga.us/pdf/GDC-Annual-PREA-Report-CY2015.pdf](http://www.dcor.state.ga.us/pdf/GDC-Annual-PREA-Report-CY2015.pdf)

All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires.

**AUDITOR CERTIFICATION:**

The auditor certifies that the contents of the report are accurate to the best of her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of Georgia Department of Corrections under review.

*Katherine Brown*

Auditor Signature

April 22, 2016

Date