

PREA AUDIT: AUDITOR'S SUMMARY REPORT

Community Confinement Facilities

Name of facility: Smith Transitional Center

Physical address: U.S. Hwy. 301N Claxton, GA 30417

Date report submitted: April 22, 2016

Auditor Information Katherine Brown

Address: 12121 Little Road Suite 286 Hudson, Florida 34667

Email: kbrown2828@yahoo.com

Telephone number: 727-470-4123

Date of visit: April 20, 2016

Facility Information

Facility Head: Richard J. Salter Superintendent

Telephone number: 912-739-1018

Smith Transitional Center is:	<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

Facility Type:	<input type="checkbox"/> Community treatment center	<input type="checkbox"/> Halfway House	<input type="checkbox"/> Restitution Center	<input type="checkbox"/> Mental Health Facility
		<input type="checkbox"/> Alcohol or drug rehabilitation center	<input checked="" type="checkbox"/> Other Community Center	

Name of PREA Compliance Manager:	Ronnie Bynum	Title:	Asst. Superintendent
Email address:	Ronnie.bynum@gdc.ga.gov	Telephone #	

Agency Information

Name of agency:	Georgia Department of Corrections
Governing authority:	Georgia Department of Corrections
Physical address:	300 Patrol Road, Forsyth, GA 31029
Telephone #:	478-992-5211

Number of staff assigned in last 12 months: 44

Designed facility capacity: 211

Current population: 205

Security level: Minimum: Medium, close

Age range of population : 18-65

Agency Chief Executive Officer

Name:	Homer Bryson	Title:	Commissioner
Email address:	Homer.Bryson@gdc.ga.gov	Telephone number:	478-992-5261

Agency-Wide PREA Coordinator

Name:	Sharon Shaver	Title:	GDC Statewide PREA Coordinator
Email address:	Sharon.shaver@gdc.ga.gov	Telephone #	678-628-3128

AUDIT FINDINGS

NARRATIVE:

The audit of Smith Transitional Center was conducted on April 20, 2016 by Katherine Brown, Certified PREA auditor. The areas toured were a total of 4 dorms 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. I asked for additional documentation and received it on April 11, 2016. At that point 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: Annie Byrd Lieutenant/Investigator; Chris Goodson, Mental Health Counselor; Darlene Wilkins, HR Technician Supervisor; Valerie Durrence RN; Richard Salter Superintendent; Ronnie Bynum, Assistant Superintendent/Investigator; Jersy Gilliam, Counselor/SART Retaliation Monitor; Sandra Henry, COII; Melvin Butts, Assistant Statewide PREA Coordinator and Doug Williams, Warden.

Following the entrance meeting I toured the Smith Transitional Center from 1330- 1410. On the tour with me was; Richard Salter Superintendent; Ronne Bynum, Assistant Superintendent/Investigator; Melvin Butts, Assistant Statewide PREA Coordinator and Doug Williams, Warden.

During the tour all facility notices were posted in all offender living areas; 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.

I asked for an alpha listing of all residents housed at Smith Transitional Center and randomly selected one resident from each housing unit as well as any residents who were limited English speaking or had hearing/vision impairment to be interviewed. It should be noted that half of the resident population is at work at any given time. The residents work 12 hour shifts at the local chicken farm. During the audit there were only 100 residents present and they had just returned to the facility at 04:30 am so most of them were asleep. There was no hearing/vision impairment residents or limited English speaking resident. I also asked for any resident who was transgender/intersex, there were none. I interviewed all staff members present at the facility (11). I conducted 14 specialized interviews and 17 random resident interviews.

There were no sexual assault/harassment allegations within the past year.

DESCRIPTION OF FACILITY CHARACTERISTICS:

Smith Transitional Center is a 211 bed male Community Transition Facility. The physical layout of Smith Transitional Center consists of four dorms that house approximately 50 residents each with two Administrative Segregation cells. Smith Transitional Center has a recreation yard located behind the building. A maintenance shop and six storage buildings are located on the left side of the building. The administration area contains seven offices along with institutional

and business records. The main hallway that connects the administrative area to the dormitory area contains eight officers.

Smith Transitional Center's resident population is made up of adult males who are serving felony prison sentences. Georgia Department of Corrections residents are eligible for transitional center placement when they are within 18-24 months of their earliest release date.

SUMMARY OF AUDIT FINDINGS: (39)

Number of standards exceeded: 2

Number of standards met: 36

Number of standards not met:

Number of standards not applicable: 1

Standard number here	§115.211 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
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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.1; Georgia Organizational Chart and Organizational Chart and interviews with PREA Coordinator and PREA compliance manager 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 Transitional Center 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; each facility has designated a PREA compliance manager with sufficient time and authority to coordinate Smith Transitional Center's efforts to comply with the PREA standards. Smith Transitional Center complies with this standard in that Superintendent has identified the Deputy Superintendent of Care and Treatment as the designated the PREA Coordinator for Georgia Department of Corrections.

Standard number here	§115.212 Contracting with other agencies for confinement of residents
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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.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 Transitional Center does not contract with non-state or private agencies for purposes of confinement of its assigned residents. All Residents assigned to Smith TC are housed at the assigned facility or within state authorized institutions as defined by state policy.

Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, may Georgia Department of Corrections enter into a contract with an entity that fails to comply with these standards.

Standard number here §115.213 Supervision and monitoring
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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; Post Assignments and logbooks and interviews with Superintendent: 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 residents against sexual abuse. Smith Transitional Center complies with this standard by utilizing the staffing plan and shift rosters that were reviewed as part of this audit.

There have been no cases of shift shortages to the point that other officers were needed to be held over or called back in to work. In the event of shift shortages, they utilize additional staff from the Women’s Probation Detention Center (located next door) and have a call back roster in place to call in additional staff if necessary. Common reasons for deviation from the staffing plan could include hospital coverage, staff call-ins, training, transports, community-based programs, and institutional emergency.

In circumstances where the staffing plan was not complied with, Smith Transitional Center documented and justified all deviations from the plan. There have been no post deviations.

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 Transitional Center complies with this standard based on review of the annual staffing report.

Standard number here §115.215 Limits to cross gender viewing and searches

- 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) and SOP II. B. 01-0013, random staff and resident interviews I find they meet this standard.

Smith Transitional Center does not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) . Smith Transitional Center documents all cross gender strip searches and cross gender visual body cavity searches, pat down searches of female residents. During random staff and offender interviews it was confirmed staff do not perform cross gender strip searches.

Smith Transitional Center has policies and procedures that enable residents 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 a resident housing unit. During the random resident interviews it was confirmed that residents have privacy to perform bodily functions and cross gender staff announcements are made. Cross gender announcements were confirmed during the tour.

Smith Transitional Center has not had a transgender/intersex resident however policies are in place addressing the following standards:

Smith Transitional Center does not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident’s genital status. If the resident’s genital status is unknown, it is determined during conversations with the resident, 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 resident’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 residents, 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.

Standard number here §115.216 Residents with disabilities and limited English speaking
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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; PREA Pamphlet and random resident and staff interviews I find they meet this standard.

Georgia Department of Corrections takes appropriate steps to ensure residents with disabilities (including, for example, residents 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 resident interpreters, resident readers, or other types of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety. None have been used or required. The PREA Pamphlet is in both English/Spanish. Smith Transitional Center has a contract with the Language Line to provide translation for other languages as well as sign language for the deaf.

Standard number here §115.217 Hiring and promotion decisions
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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. 9 (a-d); SOP IV. O. 03-0012 and SOP IV. O. 05-0001; Hiring Information Acknowledgement Statement and interview with Human Resource Technician Supervisor and review of personnel files which are located at the Women's PDC across the street from the Transitional Center I find they exceed in this standard.

Georgia Department of Corrections does not hire or promote anyone who may have contact with residents, and does not enlist the services of any contractor who may have contact with residents, 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 back ground check done prior to job offer, if any sexual activity is discovered during the back ground 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 residents.

Georgia Department of Corrections performs a criminal background records check before enlisting the services of any contractor who may have contact with residents performs an

annual records check on all current employees and contractors who may have contact with residents. Reviewed personnel files confirmed the background checks are being done.

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

Standard number here §115.218 Upgrades to facilities and technology

- 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; Warden of Smith State Prison who is also responsible for the Transitional Center and the superintendent 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 residents from sexual abuse. There has been no substantial expansion or modifications to existing facilities. Smith Transitional Center has 16 cameras. Eight cameras are directly monitored by correctional officers in Front Control 24.7. The cameras monitors the classrooms, kitchen, activity room, the runaround areas at rear control, main gate, maintenance building; recreation yard; front of building and parking lot and the rear kitchen dock. Eight cameras monitor the dorm. These cameras are utilized by Superintendent, Assistant Superintendent and the Chief of Security for supervision of staff and residents.

When installing new equipment, the Superintendent, Assistant Superintendent, Chief of Security, and facility SART will ensure it is used to protect residents from sexual abuse.

Standard number here §115.221 Evidence protocol and forensic medical exams
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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 B. 1 (a-f); SOP IK01-0006; SANE Callout; NIC Certificate for PREA-Behavioral Healthcare for Sexual Assault Victims in Confinement; Sexual Abuse Response Checklist; Procedure for SANE nurse Evaluation/Forensic Collection; Certificate

for Victim Assistance Training on Line-Sexual Assault; Receiving Health Screening form and interview with SANE/SAFE 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 Rape Crisis Center of the Coastal Empire. This information is in the Resident Handbook and is explained to the residents during intake by the Assistant Superintendent and was confirmed during the interview with the Assistant Superintendent and the random residents.

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

As requested by the victim, a victim advocate or trained facility staff member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and are provide emotional support, crisis intervention, information, and referrals.

Standard number here §115.222 Policies to ensure referrals of allegations for investigations
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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; 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 Transitional Center 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 Superintendent 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 www.dcor.state.ga.us. Georgia Department of Corrections documents all such referrals. Whenever an allegation is made, the Superintendent 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 information is published on the GDC Public website.

Smith Transitional Center documents all such referrals. Whenever an allegation is made, the Superintendent will notify the GDC Internal Investigations Unit. This notification will be made in writing and the notification will become part of the PREA investigation.

Standard number here §115.231 Employee training

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 Roster; Sexual Assault/Sexual Misconduct Acknowledgement Statement; PREA Staff Meeting; Training Roster – Sign In Sheet and interview with random staff I find they exceed this standard.

Georgia Department of Corrections trains all employees who have contact with residents 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) Residents’ right to be free from sexual abuse and sexual harassment;
- (4) The right of residents 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 residents;
- (9) How to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

The training is tailored to the gender of the residents at Smith Transitional Center. The employees receive additional training if the employee is reassigned from a facility that houses only male residents to a facility that houses only female residents, or vice versa.

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

Based on extensive knowledge of the PREA standards and the passion several of the staff I interviewed displayed as well as the PREA Card that all staff presented at time of interview I find they exceed this standard. It was nice to see such enthusiastic staff regarding PREA and the importance of PREA in the facility.

**Standard
number here**

§115.232 Volunteer and contractors training

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 C. 3 (a-c); Smith Transitional Center PREA Training Volunteers/Contractors and Sexual Assault/Sexual Misconduct Acknowledgement Statement for Supervised Visitors and interview with volunteer I find they meet this standard. There are no contract providers at this facility, and they only have one volunteer who is the Chaplain that has been coming to the facility for several years.

Georgia Department of Corrections ensures all volunteers and contractors who have contact with residents 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 residents, but all volunteers and contractors who have contact with residents 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 the Chaplain understands the training they have received. All volunteers sign a Sexual Assault/Sexual Misconduct Acknowledgement Statement.

**Standard
number here**

§115.233 Resident education

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 C.4; SOP II B18-0001; Sexual Abuse Review Checklist; PREA Sexual Victimization/Aggressor classification Screening; Sexual Abuse Review Checklist; Resident Handbook; PREA Pamphlet and interview with random residents and intake staff I find they meet this standard.

During the intake process, residents 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 residents receive the PREA pamphlet and are verbally instructed on how to report a PREA incident. If the Comprehensive education is not done the same day it is completed within 4 days where the residents watch the video, as was confirmed during the random staff and resident interviews.

Georgia Department of Corrections provides refresher information whenever a resident is transferred to a different facility.

Georgia Department of Corrections provides resident education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to residents who have limited reading skills. There is documentation of resident participation in these education sessions. The PREA Pamphlet is in both English/Spanish; Smith Transitional Center has a contract with the Language Line to provide translation for other languages as well as sign language for the deaf. Since this is a Transitional Center and all residents are required to work they would not receive a disabled resident.

Standard number here §115.234 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; PowerPoint Lesson Plan and interview with investigative staff I find they meet this standard.

Smith Transitional Center has not had any PREA investigations for Sexual Abuse/Harassment.

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. In house investigators have taken the NIC Course PREA Investigating Sexual Abuse in a Confinement Setting. This was confirmed in reviewing the investigators training record and during the interview.

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. Smith Transitional Center 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.

**Standard
number here**

§115.235 Specialized training: Medical and mental health care

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. C. 6.; NIC Certificate – PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting and Lesson Plan and interview with medical and mental health I find they meet this standard.

Medical staff at the Transitional Center work Monday – Thursday 10 hours a day, after hours the residents can be sent to Evans Memorial Hospital which is the local hospital approximately 1 mile away, if medically necessary. There is an on call doctor that the facility contacts to determine what medical care is required. If not obvious signs of emergency care the resident will wait for the SANE nurse to arrive who is approximately 2 hours away.

Georgia Department of Corrections ensures that all full and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to: detect and assess signs of sexual abuse and sexual harassment; 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 Transitional Center 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.

Georgia Department of Corrections maintains documentation that medical and mental health practitioners have received the training.

Medical and mental 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.

**Standard
number here**

§115.241 Screening for risk of victimization and abusiveness

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 D. 1 (a-h); Victim/Aggressor Classification Rating; PREA Sexual Victim/Sexual Aggressor Classification Screening and Screening for risk of Victimization and Abusiveness and interview with random residents and intake staff responsible for screening I find they meet this standard.

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

Intake screenings take place immediately upon arrival at Smith Transitional Center.

Smith Transitional Center uses an objective screening instrument.

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

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

Based on interviews with some of the residents I had to ask for additional residents to interview to confirm they are being asked questions number 8 & 9 I also asked for the residents classification file and found that all questions were marked and the resident had signed acknowledging the questions asked. I advised the facility that the documentation and residents confirmed this was being performed however I suggested they emphasize the importance of physically asking these questions and ensure that all 3 of the intake counselors are asking the questions. When I interviewed the counselors they confirmed they ask the questions so based on their interview and the signed PREA Sexual Victim/Sexual Aggressor Classification Screening I felt they are meeting this standard.

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 residents for risk of being sexually abusive.

Within 30 days from the resident's arrival at Smith Transitional Center, Smith Transitional Center reassesses the resident's risk of victimization or abusiveness based upon any additional, relevant information received by Smith Transitional Center since the intake screening.

A resident'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 resident's risk of sexual victimization or abusiveness. Any resident who has been identified as needing further evaluation due to additional information received will be reassessed when warranted.

Residents are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked.

Georgia Department of Corrections implements appropriate controls on the dissemination within Smith Transitional Center of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents.

Only limited staff has access to the risk screening form only Medical, Mental Health and Superintendent as well as PREA Manager.

Standard number here §115.242 Use of screening information
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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 residents at high risk of being sexually victimized from those at high risk of being sexually abusive. All information received from the resident 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 resident. Each residents' information is evaluated on a case by case basis to ensure the safety of the resident.

Smith Transitional Center has not received a Transgender/intersex resident however there are policies in place that address the following:

In deciding whether to assign a transgender or intersex resident to a facility for male or female residents, 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 resident's health and safety, and whether the placement would present management or security problems.

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

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

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

Georgia Department of Corrections does not place lesbian, gay, bisexual, transgender, or intersex residents 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 residents. I interviewed one gay resident that stated he felt safe and has had no problem at the center.

Standard number here §115.251 Resident reporting
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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) Resident Handbook; Staff Guide on the Prevention and Reporting of Sexual Misconduct with Offenders and interviews with random staff and residents I find they meet this standard.

Georgia Department of Corrections provides multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Smith Transitional Center residents' 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. Residents 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 residents 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 resident reports of sexual abuse and sexual harassment to agency officials, allowing the resident to remain anonymous upon request. Smith Transitional Center staff provides residents 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 Transitional Center 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 residents at PREA.reports@gdc.ga.gov.

Standard number here §115.252 exhaustion of administrative remedies

- 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 grievances have been filed regarding a PREA related offense.

Georgia Department of Corrections does not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. Smith Transitional Center 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 a resident 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 a resident 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 Transitional Center can be submitted to any counselor. In a case where the resident'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. Smith Transitional Center's policy establishes that the Superintendent will issue a final decision. Smith Transitional Center 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. According to this policy:

At any time before the Superintendent's Grievance decision is delivered to the offender, the Superintendent 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 residents 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 resident does not receive a response within the time allotted for a reply, including any properly noted extension, the resident may consider the absence of a response to be a denial at that level.

Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, are permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and are also be permitted to file such requests on behalf of residents. Smith Transitional Center 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 resident is subject to a substantial risk of imminent sexual abuse. Smith Transitional Center 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.

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 resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. Smith Transitional Center 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 a resident for filing a grievance related to alleged sexual abuse only where Georgia Department of Corrections demonstrates that the resident filed the grievance in bad faith. If it is determined that an resident has filed a grievance related to an alleged sexual abuse and the grievance is filed in bad faith the resident is subject to disciplinary sanctions as allowed by the Georgia Department of Corrections.

Standard number here §115.253 Resident access to outside confidential support services
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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.; Resident Handbook and interview with random residents I find they meet this standard.

Smith Transitional Center provides residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers to Rape Crisis Center of Coastal Empire. Smith Transitional Center enables reasonable communication between residents and these organizations and agencies, in as confidential a manner as possible. Smith Transitional Center residents will be notified of the Rape Crisis Center of Coastal Empire during Orientation. The staff provides the contact information upon request. A resident may make a verbal or written request to staff to contact a victim service advocate or agency at any time. All reasonable measures are taken to allow for as much privacy as possible.

Smith Transitional Center informs residents, 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 residents of Smith Transitional Center request to contact a the Rape Crisis Center of Coastal Empire, staff will make every effort to offer the resident reasonable privacy while maintaining visual security if located in restricted or sensitive areas within Smith Transitional Center. Residents 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 memoranda of understanding with the Rape Crisis Center of Coastal Empire.

Standard number here §115.254 Third party reporting

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 E. 4 I find they meet this standard.

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 a resident. Visitors can go to www.dcor.state.ga.us

Standard number here §115.261 Staff and agency reporting 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)

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

No PREA incidents have been reported, however policies are in place to address the following standards:

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 residents 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 Transitional Center 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 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. Smith Transitional Center'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 Transitional Center does not house Residents under the age of 18. However, the Smith Transitional Center follows all State and Federal PREA policies and will comply with this standard in the event offenders under the age of 18 or resident 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 Transitional Center reports all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to Smith Transitional Center'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 Smith Transitional Center, SART, GDC Statewide PREA Coordinator, and the GDC Internal Investigations Unit. The Superintendent will be responsible for ensuring these notifications are made as soon as possible

Standard number here §115.262 Agency protection duties
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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 208.06 IV.F.2 and interviews with random staff, and superintendent I find they meet this standard.

Immediate action is taken to protect residents when Georgia Department of Corrections learns that a resident is subject to a substantial risk of imminent sexual abuse. If a resident at Smith Transitional Center is determined to be in imminent danger of sexual abuse, the Superintendent will be notified immediately and the resident will be housed in Administrative Segregation immediately in order to protect them until such time they can be transferred to another facility.

Standard number here §115.263 Reporting to other confinement facilities

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 Sexual Abuse Incident Review Checklist and interview with Commissioner and superintendent I find they meet this standard.

Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of Smith Transitional Center that received the allegation notifies the head of Smith Transitional Center 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 a resident of Smith Transitional Center is sexually abused while confined at another facility the PREA Compliance Manager will immediately upon notification notify the head of that facility, Smith Transitional Center's Superintendent, SART, the GDC PREA Coordinator, and GDC Internal Investigations.

Standard number here §115.264 Staff first responder duties
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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. 4; Sexual Abuse Response checklist; Local Procedure Directive-Coordinated Response Plan and interview with security staff who are first responders, random staff I find they meet this standard.

There have been no PREA related incidents, however there are policies in place that address the following:

Upon learning of an allegation that an resident 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 Transitional Center uses the Sexual Abuse Response Checklist which outlines the steps to take as a first responder. This practice was confirmed during the 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 practice was confirmed during the non-security staff interviews.

Standard number here §115.265 Coordinated response
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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 F.5; Local Procedure Directive-Coordinated Response Plan and interview with superintendent I find they meet this standard.

Smith Transitional Center 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 Transitional Center as a written Coordinated Response plan that identifies the roles of each individual involved in the PREA investigations.

Standard number here §115.266 Preservation of ability to protect residents from contact with abusers
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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)
- Not applicable Standard

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

Based on interview with Commissioner.

Georgia Department of Corrections does not have collective bargaining.

Standard number here §115.267 Agency protection against retaliation

- 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 F. 6 (a-e) and interview with Commissioner, superintendent, designated staff member with monitoring retaliation I find they meet this standard.

Georgia Department of Corrections has a policy to protect all residents and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other residents or staff, and designate which staff members or departments are charged with monitoring retaliation. Smith Transitional Center personnel will protect residents and staff who report sexual abuse, sexual misconduct, or sexual harassment from retaliation. The Superintendent has identified the Counselor 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 resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Multiple protection measures are available at Smith Transitional Center which include resident housing changes or transfers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for residents 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 residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents 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 resident 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 counselor charged with monitoring retaliation, will monitor for at least 90 days following a report of abuse, monitor the conduct and treatment of residents 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 resident 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/residents, who are cooperating with the investigation, feel a need for retaliation monitoring, the counselor for the victim will also serve in this capacity for these identified individuals.

Standard number here §115.271 Criminal and administrative agency investigation
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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.

When 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 Transitional Center 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. 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 Transitional Center follows the procedures set forth in policy number 208.06. Smith Transitional Center 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 Transitional Center 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 resident or staff. No agency requires a resident 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 Transitional Center 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 shall be 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 three years in the office of the Deputy Superintendent 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 Transitional Center 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 Transitional Center or agency does not provide a basis for terminating an investigation.

Smith Transitional Center 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.

- 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.

Standard number here §115.273 Reporting to residents

- 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 superintendent and investigative staff I find they meet this standard.

There have been no reported cases, however there are policies in place that address the following:

Following an investigation into a resident’s allegation that they suffered sexual abuse in an agency facility, Georgia Department of Corrections informs the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Smith Transitional Center complies with this standard by following Georgia Department of Corrections policy number 208.06, which states, “Smith Transitional Center shall inform the resident 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 a resident’s allegation that a staff member has committed sexual abuse against the resident, 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 resident. Smith Transitional Center will obtain a copy of the investigation document and make proper notification to the resident as defined by policy SOP 208.06.

Following an resident's allegation that a staff member has committed sexual abuse against the resident, Georgia Department of Corrections subsequently informs the resident (unless Georgia Department of Corrections has determined that the allegation is unfounded) whenever the staff member is no longer posted within the resident's unit; the staff member is no longer employed at Smith Transitional Center; Georgia Department of Corrections learns that the staff member has been indicted on a charge related to sexual abuse within Smith Transitional Center; or Georgia Department of Corrections learns that the staff member has been convicted on a charge related to sexual abuse within Smith Transitional Center. Smith Transitional Center will comply with this directive by following Georgia Department of Corrections policy 208.06 which states, "Following a resident's allegation that a staff member has committed sexual abuse against the resident, 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 resident's allegation that they had been sexually abused by another resident, 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 Smith Transitional Center; or Georgia Department of Corrections learns that the alleged abuser has been convicted on a charge related to sexual abuse within Smith Transitional Center. Smith Transitional Center adheres to the policy defined above as provided for in Georgia Department of Corrections policy SOP 208.06.

All such notifications or attempted notifications are documented. Smith Transitional Center 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 resident is released from Georgia Department of Corrections' custody.

Standard number here §115.276 Disciplinary sanctions for staff
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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; Sexual Assault/Sexual Misconduct Acknowledgment Statement I find they meet this standard.

There have been no PREA incidents however there are policies in place to address the following:

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 Smith Transitional Center'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 residents and reported to the appropriate law enforcement agencies.

Contractors and Volunteer who engage in sexual abuse will be prohibited from contact with residents and reported to law enforcement agencies, unless the activity was not criminal. Appropriate licensing agencies and/or the Georgia Peace Officer Standards.

Standard number here §115.277 Corrective action for contractors and volunteers
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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 superintendent I find they meet this standard.

There have been no reported PREA incidents, however there are policies in place to address the following:

Any contractor or volunteer who engages in sexual abuse is prohibited from contact with residents and are reported to law enforcement agencies, unless the activity was clearly not

criminal, and to relevant licensing bodies. Smith Transitional Center's staff will immediately remove any contractor or volunteer from Smith Transitional Center if they engage in sexual abuse. The contractor/volunteer will be prohibited from contact with residents and will be reported to the appropriate law enforcement agency. The relevant licensing body will also be notified.

Smith Transitional Center takes appropriate remedial measures, and considers whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. All Smith Transitional Center'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.

Standard number here §115.278 Disciplinary sanctions for residents
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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.3. and SOP II. B 02 and interview with medical/mental health staff I find they meet this standard.

There has been no resident-on-resident incidents however there are policies addressing the following:

Residents are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. Smith Transitional Center will subject residents to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or a criminal finding of guilt for resident-on-resident 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 resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. Sanctions will be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. Sanctions are covered by GDC SOP IIB02-0001.

The disciplinary process considers whether a resident'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 a resident'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, counseling or other interventions can be offered to address and correct underlying reasons or motivations for the abuse.

Georgia Department of Corrections disciplines a resident 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 residents and may discipline residents for such activity.

Standard number here §115.282 Access to emergency medical and mental health services
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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 SOP IIA21-0001. Reviewed SANE nurse Call Roster; Medical PREA Log; Nursing Assessment Form and interview with medical and mental health staff I find they meet this standard.

Resident 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.

Resident 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 Smith Transitional Center.

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. Residents are never charged for incidents arising out of a sexual assault.

Standard number here §115.283 ongoing medical and mental health care for sexual abuse victims

- 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 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; MH/MR Initial Health Assessment; MH/MR Evaluation for Services; Medical PREA Log and interview with medical/mental health staff I find they meet this standard.

Smith Transitional Center offers medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. In providing ongoing medical treatment services, Smith Transitional Center will utilize the medical services of Georgia Department of Corrections medical staff. These services will be provided at no cost to the resident 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 Transitional Center medical, GDC medical and mental health staff will utilize treatment plans, referrals and, if necessary and placement in other facilities. .

Smith Transitional Center provides such victims with medical and mental health services consistent with the community level of care. Medical and mental health staff will provide services consistent with the community level of care. This is consistent with GDC SOP VH-08-0002.

Resident victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. All Smith Transitional Center’s residents 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 Transitional Center 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 Transitional Center does not charge residents for PREA related treatments or services.

Standard number here §115.286 Sexual abuse incident reviews

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 J.; Sexual Abuse Incident Review Checklist and interview with superintendent, PREA compliance manager; incident review team I find they meet this standard.

Smith Transitional Center 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 Smith Transitional Center; and they examine the area in Smith Transitional Center 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.

Standard number here **§115.287 Data collection**

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.

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 residents.

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.

Standard number here **§115.288 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

Standard number here §115.289 Data storage, publication and destruction

- 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 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

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

April 22, 2016

Auditor Signature

Date