

# PREA AUDIT: AUDITOR'S SUMMARY REPORT

## ADULT PRISONS & JAILS

Interim     Final Report

### Auditor Information

**Auditor name:** Katherine Brown

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

**Date of facility visit:** June 2, 2016

**Date report submitted:** June 4, 2016

### Facility Information

**Name of facility:** Gwinnett County Department of Corrections

**Physical address:** 750 Hi Hope Road, Lawrenceville, Georgia 30043

**Telephone #:** 678-407-6001

<b>Gwinnett County Department of Corrections is:</b>	<input type="checkbox"/> Military	<input checked="" type="checkbox"/> County	<input type="checkbox"/> Federal
	<input type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		

<b>Facility Type:</b>	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison
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<b>Name of facility's Chief Executive Officer:</b>	Darrell Johnson	<b>Title:</b>	Warden
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**Number of staff assigned to Gwinnett County Department of Corrections in the last 12 months:** 130

**Designed facility capacity:** 512

**Current population of facility:**

**Facility security levels/offenders custody levels:** Minimum to Medium

**Age range of the population:** 18-72

<b>Name of PREA Compliance Manager:</b>	Keith Phinney	<b>Title:</b>	Lt. Support Services
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<b>Email address:</b>	<a href="mailto:Keith.phinney@gwinnettcounty.com">Keith.phinney@gwinnettcounty.com</a>	<b>Telephone #</b>	678-407-6009
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### Agency Information

**Name of agency:** Gwinnett County Department of Corrections

**Governing authority or parent agency:** Gwinnett County Board of Commissioners

**Physical address:** 750 Hi Hope Road Lawrenceville, Georgia 30043

**Mailing address:** N/A

**Telephone #:** 678-407-6001

### Agency Chief Executive Officer

<b>Name:</b>	Darrell Johnson	<b>Title:</b>	Warden
<b>Email:</b>	<a href="mailto:Darrell.johnson@gwinnettcounty.com">Darrell.johnson@gwinnettcounty.com</a>	<b>Telephone #:</b>	678-407-6005

### Agency-Wide PREA Coordinator

<b>Name:</b>	Keith Phinney	<b>Title:</b>	Lt. Support Services
<b>Email address:</b>	<a href="mailto:Keith.phinney@gwinnettcounty.com">Keith.phinney@gwinnettcounty.com</a>	<b>Telephone #</b>	678-407-6009

# AUDIT FINDINGS

## **NARRATIVE:**

The audit of Gwinnett County Department of Corrections was conducted on June 2, 2016 by Katherine Brown, Certified PREA auditor. Prior to the on-site I received all the policies and documentation on April 27, 2016 to review no additional documentation was required to satisfy the standards.

The areas toured were a total of 8 dorms, two of which are closed. There are six direct supervision general population dorms and 20 administrative detention/segregation cells on the facility side and six dorms on the Work Release side two of which are not open. These dorms are not direct supervision. We toured all housing units plus the kitchen, laundry, programs area, and work areas.

An entrance meeting was held with facility staff. The following people were in attendance: Warden Johnson Ms. Powers, Part time Mental Health Counselor; Ms Warren Health Services Administrator; Officer Brown, Investigator; Officer Diaz, Investigator; Sgt. Harris, Classification; Lt. Phinney, PREA Compliance Manager; Ms. Wilson Victim Advocate; Cpl. T. Greene, Counselor/Mental Health Backup.

Following the entrance meeting I toured the Gwinnett County Department of Corrections from 0845 – 1045. On the tour with me was Warden Johnson Ms. Powers, Part time Mental Health Counselor; Ms Warren Health Services Administrator; Officer Brown, Investigator; Sgt. Harris, Classification; Lt. Phinney, PREA Compliance Manager; Ms. Wilson Victim Advocate; Cpl. T. Greene, Counselor/Mental Health Backup.

During the tour all facility notices were posted in all offenders' dorms, program areas, and public areas announcing the audit. As I entered all offenders living areas cross gender announcements were made.

I asked for an alpha listing of all offenders housed at Gwinnett County Department of Corrections and randomly selected 12 offenders to interview as well as any offenders who were limited English speaking or had hearing/vision impairment to be interviewed. There were no hearing/vision impairment offenders there, I did interview one limited English speaking offenders. I also asked for any offenders who was transgender/intersex. There were no transgender/intersex offenders. I also asked for a shift roster and randomly selected 10 staff to interview. I conducted 15 specialized interviews.

There were 35 sexual assault/harassment allegation cases, all relatively recent (within the past year) 21 had been unfounded; 6 substantiated; 7 unsubstantiated and 1 pending.

## **DESCRIPTION OF FACILITY CHARACTERISTICS:**

The Gwinnett County Department of Corrections facility is operated by the Gwinnett County Board of Commissioners and is located on seven acres of land at 750 Hi-Hope Road,

Lawrenceville, Georgia. It is approximately 35 miles east of Atlanta in north central Georgia. The facility was constructed and occupied in September 2002 and has received no renovations since that time. This is a direct supervision facility that has a designed capacity of 512 but at the time of the audit there were only 247 offenders. The facility is enclosed in security fencing and is composed of three buildings, all inside the wire: the Administration Building; Warehouse; and Lawn Mower Storage/Maintenance Building. The Administration Building contains administrative offices, eight direct supervision general population dorms (2 of which are closed at the time of the audit) and 20 administrative detention/segregation cells on the facility side and six dorms on the Work Release side two of which are not open. The dorms on the work release side are not direct supervision.

## **SUMMARY OF AUDIT FINDINGS:**

Number of standards exceeded: 6

Number of standards met: 33

Number of standards not met:

Number of standards not applicable: 4

### **§115.11 Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

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 Policy 3.5.3 VII Policy and VIII A.; PREA Poster Staff/Public/Offenders English/Spanish; Organizational Chart and interviews with PREA compliance manager I find they meet this standard.

Gwinnett County Department of Corrections has a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlines Gwinnett County Department of Corrections approach to preventing, detecting, and responding to such conduct. Policy 3.5.3 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.

Gwinnett County 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 Accreditation Lieutenant was assigned as the PREA Compliance Manager by the warden and has the authority to comply with this standard.

### **§115.12 Contracting with other agencies for confinement of offenders**

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

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

Based on interview with compliance manager Gwinnett County Department of Corrections does not contract for the confinement of their offenders.

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

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

Based on review of 3.5.3 VIII. B.1; shift relief roster; shift posting assignment; dormitory log books; work release log books; OT budget reports and interview with Warden and PREA Compliance Manager I find they meet this standard.

Gwinnett County Department of Corrections has developed, documented, and made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and uses video monitoring, to protect offenders against sexual abuse. Gwinnett County Department of Corrections complies with the standard based on review of shift posting assignments and shift relief rosters that were reviewed as part of this audit. There are a minimum of 13 officers per shift plus 1 Lieutenant; 2 Sergeants and 2 Corporals that supervise on the Work Release side.

In circumstances where the staffing plan was not complied with, Gwinnett County Department of Corrections documented and justified all deviations from the plan. All deviations from the staffing plan were documented on the shift rosters. Staff shortages are covered from a Mandatory Overtime list or they can pull from the 25 man Field Operations (Work Crew) officers.

Gwinnett County 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. Based on review of the annual staffing report.

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

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

No juveniles are housed at Gwinnett County Department of Corrections.

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

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

Based on review of 3.5.3 VIII. G & H and signed training roster on Cross Gender Search training I find they meet this standard.

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

Gwinnett County Department of Corrections has policies and procedures that enable offenders to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures require staff of the opposite gender to announce their presence when entering an offenders housing unit. During the tour and random offender interviews it was confirmed that offenders have privacy to perform bodily functions and cross gender staff announcements are made.

Gwinnett County Department of Corrections does not search or physically examine a transgender or intersex offenders for the sole purpose of determining the offender’s genital status. If the offender’s genital status is unknown, it is determined during conversations with the offenders, 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 Gwinnett County Department of Corrections at the time of the audit but based on staff interviews transgender/intersex offenders would not be searched for sole purpose of determining the offender’s genital status.

Gwinnett County Department of Corrections trains security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, in a professional and

respectful manner, and in the least intrusive manner possible, consistent with security needs. Random staff interviews confirmed they have been trained in cross gender pat down searches.

**§115.16 Offenders with disabilities and limited English speaking**

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 3.5.3 VIII E6 & L6; brochure English/Spanish; TDD machine; Interpreters List and random offenders and staff interviews I find they meet this standard.

Gwinnett County Department of Corrections takes appropriate steps to ensure offenders with disabilities (including, for example, offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of Gwinnett County 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.

Gwinnett County Department of Corrections does not rely on offender's interpreters, offender's readers, or other types of offender's assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety. None have been used or required. The PREA brochure is in both English/Spanish. Gwinnett County Department of Corrections has a list of staff to provide translation for other languages as well as sign language for the deaf.

**§115.17 Hiring and promotion decisions**

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 3.5.3 VIII. D.; Acknowledgement Statement; Criminal histories excel spreadsheet; GCIC excel spreadsheet staff/volunteers/contractors and interview with Captain responsible for processing new hires and conducting criminal background checks.

Gwinnett County Department of Corrections does not hire or promote anyone who may have contact with offenders, and does not enlist the services of any contractor who may have contact with offenders, who has engaged in sexual abuse in any criminal justice facility, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was

unable to consent or refuse; or has been civilly or administratively adjudicated to have engaged in the activity described above. Based on interview with Captain all applicants have a back ground check done prior to job offer, if any sexual activity is discovered during the back ground screen they would not be offered a job.

Gwinnett County Department of Corrections considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders. Based on interview with Captain all applicants have a back ground check done prior to job offer, if any sexual activity is discovered during the back ground screen they would not be offered a job.

Gwinnett County Department of Corrections performs a criminal background records check before enlisting the services of any contractor who may have contact with offenders performs a records check annually on all certified officers prior to qualifying per POST standard requirements. The plan is to conduct the background checks on all staff annually but this practice has not been put into place as of the time of the audit. Review of computer spreadsheet confirmed the background checks are being done.

#### **§115.18 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 3.5.3 VIII. B.1.a; Security Video Committee Meeting Minutes and interview with warden I find they meet this standard.

When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, Gwinnett County Department of Corrections considers how such technology may enhance Gwinnett County Department of Corrections' ability to protect offenders from sexual abuse. There have been no substantial or modifications to existing facilities.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. T; Sexual Assault Protocol; MOU with Gwinnett Sexual Assault Center and interview with PREA compliance manager.

To the extent Gwinnett County Department of Corrections is responsible for investigating allegations of sexual abuse; Gwinnett County Department of Corrections follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The Sexual Assault Protocol was written by a group that has been formed consisting of facility SART members; the Gwinnett Police Department Detectives and the District Attorney office.

Gwinnett County 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) through Gwinnett Sexual Assault Center.

Gwinnett County Department of Corrections makes available to the victim a victim advocate from Gwinnett Sexual Assault Center. There is also a staff member that has received extensive training and also volunteers at the Gwinnett Sexual Assault Center. The Offender has the choice of which Victim Advocate they wish to accompany and support them through the forensic medical examination process and investigatory interviews and are provided emotional support, crisis intervention, information, and referrals.

<b>§115.22</b>	<b>Policies to ensure referrals of allegations for investigations</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. O & T; Gwinnett Police Department policy 411.0 and interview with warden and investigative staff I find they meet this standard.

Gwinnett County Department of Corrections ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Gwinnett County Department of Corrections follows the standards set forth by Gwinnett County Department of Corrections. 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.

Gwinnett County 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. Gwinnett County Department of Corrections publishes such policy on its website. Gwinnett County Department of Corrections documents all such referrals. Whenever an allegation is made, the Warden will notify the Gwinnett County Police Department Criminal Division and the District Attorney's office. This notification will be made in writing and the notification will become part of the PREA investigation. This information is published on the website.

<b>§115.31</b>	<b>Employee training</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. E; Power Point 2015 & 2016; PREA Video “What you Need to Know”; signed training roster 2015 & 2016; Sexual Assault/Sexual Misconduct Acknowledgement Statement; PREA Card and interview with random staff I find they meet this standard.

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

- (1) Its zero-tolerance policy for sexual abuse and sexual harassment;
- (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- (3) Offenders’ right to be free from sexual abuse and sexual harassment;
- (4) The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- (5) The dynamics of sexual abuse and sexual harassment in confinement;
- (6) The common reactions of sexual abuse and sexual harassment victims;
- (7) How to detect and respond to signs of threatened and actual sexual abuse;
- (8) How to avoid inappropriate relationships with offenders;
- (9) How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and
- (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. All staff has received PREA training during in service training based on review of training records and random staff interviews.

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

Gwinnett County Department of Corrections documents, through employee signature, those employees understand the training they have received.

**§115.32 Volunteer and contractors 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 3.5.3 VIII. E. 4; lesson plan 2015 & 2016; Power point 2015 & 2016; Video "What You Need to Know"; Training Roster 2015-2016; Sexual Assault/Sexual Misconduct Acknowledgement Statement and interview with volunteer and contractors I find they exceed this standard.

Gwinnett County Department of Corrections ensures all volunteers and contractors who have contact with offenders have been trained on their responsibilities under Gwinnett County Department of Corrections' sexual abuse and sexual harassment prevention, detection, and response policies and procedures. Also all Politician Supervisors who supervise offender work crews have been trained on PREA as well.

The level and type of training provided to volunteers/contractors and Politician Supervisors is the same training provided to security staff. Everyone who have contact with offenders are notified of Gwinnett County Department of Corrections' zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents.

Gwinnett County Department of Corrections has documentation confirming that volunteers/contractors and Politician Supervisors understand the training they have received. All volunteers/contractors and Politician Supervisors sign a Sexual Assault/Sexual Misconduct Acknowledgement Statement.

Based on the training provided to even the Politician Supervisor I find they exceed in this standard.

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

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

Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. F; PREA brochure English/Spanish; Offenders Orientation Checklist; Offenders Poster and interview with random offenders and intake staff I find they meet this standard.

During the intake process, offenders receive information explaining Gwinnett County Department of Corrections' zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. During the intake process all offenders receive the PREA pamphlet and watch the video.

Gwinnett County Department of Corrections provides a comprehensive education to offenders immediately upon arrival in person and they also show the offenders a video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Gwinnett County Department of Corrections provides offender's education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to offenders who have limited reading skills. There is

documentation of offender's participation in these education sessions. The PREA Pamphlet is in both English/Spanish; Gwinnett County Department of Corrections has a list of staff interpreters to provide translation for other languages as well as sign language for the deaf. This was confirmed during random interview with a Limited English Speaking offender using a staff interpreter.

The PREA information is printed on the back of each offender ID card that they are required to wear at all times. During the random offender interviews it was also confirmed that staff randomly quiz the offenders on PREA as staff come through on rounds. Based on this I find they exceed in this standard.

<b>§115.34</b>	<b>Specialized training: Investigators</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. E.5; NIC PREA: Your Role Responding to Sexual Abuse; NIC PREA: Investigating Sexual Abuse in a Confinement Setting; NIC PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting; NIC PREA Behavioral Health Care for Sexual Assault Victims in a Confinement Setting and interview with investigative staff I find they meet this standard.

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

Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Gwinnett County Department of Corrections maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. Gwinnett County Department of Corrections 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 Medical and MH Standards curriculum. Class attendance is documented on the signed training rosters. All allegations of sexual misconduct are reported to the Gwinnett Police Department. Staff of that unit has received specialized training regarding the techniques for investigating PREA-related issues as was confirmed during interviews.

The in house investigator is a prior Homicide investigator. All of Gwinnett Police Department investigators have taken the PREA training. The Gwinnett Police Department is conducting a mock Sexual Assault incident in one of the empty dorms on Friday June 10. Based on this I find they exceed this standard.

<b>§115.35</b>	<b>Specialized training: Medical and mental health care</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. E. 8; Corizon Mental Health Evaluation Tool; MOU with Gwinnett Sexual Assault Center & Children’s Advocacy Center; NIC PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting; PREA Specialized Mental Health training I find they meet this standard.

Gwinnett County 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. Gwinnett County Department of Corrections medical personnel are required to attend a specialized PREA training class using the NIC PREA Medical Health Care for Sexual Assault Victims in a Confinement Setting.

Gwinnett County 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.

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

- 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 3.5.3 VIII. I; PREA Sexual Victim/Sexual Aggressor Classification and interview with random offenders and intake staff responsible for screening I find they meet this standard. .

All offenders are assessed during an intake screening and upon transfer to another facility for risk of being sexually abused by other offenders or sexually abusive toward other offenders.

Intake screenings take place immediately upon arrival at Gwinnett County Department of Corrections.

Gwinnett County Department of Corrections uses an objective screening instrument.

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

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

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

Within 30 days from the offender's arrival at Gwinnett County Department of Corrections, Gwinnett County Department of Corrections reassesses the offender's risk of victimization or abusiveness based upon any additional, relevant information received by Gwinnett County Department of Corrections since the intake screening. Any offenders who has been identified as needing further evaluation due to additional information received will be reassessed when warranted.

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

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

Gwinnett County Department of Corrections implements appropriate controls on the dissemination within Gwinnett County Department of Corrections of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders. Only limited staff has access to the risk screening form only Lieutenant; SART members; Captain Warden and Deputy Warden as well as PREA Manager.

Based on screening taking place immediately upon arrival I find they exceed this standard.

<b>§115.42</b>	<b>Use of screening information</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. K; Sexual Assault/Sexual Aggressor Classification and interview with PREA compliance manager and staff responsible for risk screening I find they meet this standard.

Gwinnett County Department of Corrections uses information from the risk screening to decide housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. All information from the risk screening is used to determine housing, bed assignments, work, education and programming.

Gwinnett County Department of Corrections makes individualized determinations about how to ensure the safety of each offenders.

Gwinnett County Department of Corrections has not had a transgender/intersex offenders however policies are in place that addresses the following:

In deciding whether to assign a transgender or intersex offenders to a facility for male or female offenders, and in making other housing and programming assignments, Gwinnett County Department of Corrections considers on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems.

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

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

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

Gwinnett County Department of Corrections does not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders.

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

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

Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. K.6 and interview with warden I find they meet this standard.

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

Offenders at high risk for sexual victimization are not placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers.

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

Gwinnett County Department of Corrections assigns such offenders to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment does not ordinarily exceed a period of 30 days. If involuntary segregated housing assignment is made Gwinnett County Department of Corrections clearly documents the basis for Gwinnett County Department of Corrections' concern for the offender's safety; and the reason why no alternative means of separation can be arranged. Every 30 days a review is performed to determine whether there is a continuing need for separation from the general population.

<b>§115.51</b>	<b>Offenders reporting</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. L; PREA Brochure English/Spanish; Staff 1<sup>st</sup> Responder Card; Offenders ID Sticker; PREA Sign; Offenders Handbook and interviews with random staff and offenders I find they meet this standard.

Gwinnett County Department of Corrections provides multiple internal ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. The offenders may make a report of sexual abuse, sexual harassment, or retaliation in writing, verbally, by utilizing the PREA hotline, and by phone or mail to the State Board of Pardons & Paroles Office of Victim Services. Offenders are encouraged to report allegations immediately and directly to staff at all levels. All reports are promptly documented and reported to the proper authority. Each offenders has a sticker on the back of their ID that explains the reporting procedures to them.

Gwinnett County Department of Corrections provides at least one way for offenders to report abuse or harassment to a public or private entity or office that is not part of Gwinnett County Department of Corrections, and that is able to receive and immediately forward offenders reports of sexual abuse and sexual harassment to agency officials, allowing the offenders to remain anonymous upon request. Gwinnett County Department of Corrections staff provides

offenders at orientation with information regarding the reporting methods available to them and apply the sticker to the back of the offenders ID cards.

Staff accepts reports made verbally, in writing, anonymously, and from third parties and promptly document any verbal reports. Gwinnett County Department of Corrections 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.

Gwinnett County Department of Corrections provides a method for staff to privately report sexual abuse and sexual harassment of offenders.

**§115.52 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)
- X Not applicable Standard

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

The Gwinnett County Department of Corrections is exempt from this standard. They do not require an offenders to complete a Grievance regarding a PREA related incident.

**§115.53 Offenders access to outside confidential support services**

- 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 3.5.3 VIII. N; CJCC Victim Bill of Rights; Gwinnett Sexual Assault Center brochure; Criminal Justice Coordinating Council Victims Compensation Program; MOU Gwinnett County Department of Corrections & Gwinnett Sexual Assault Center & Children’s Advocacy Center and interview with random offenders I find they meet this standard.

Gwinnett County Department of Corrections provides offenders with access to outside victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. Gwinnett County Department of Corrections enables reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible. Gwinnett County Department of Corrections will advise offenders of the Gwinnett Sexual Assault Center & Children’s Advocacy Center upon request. An offender may make a verbal or written request to staff to contact a victim service



advocate at any time. All reasonable measures will be taken to allow for as much privacy as possible.

Gwinnett County Department of Corrections informs offenders, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. If offenders request to contact Gwinnett Sexual Assault Center & Children's Advocacy Center, staff will make every effort to offer the resident reasonable privacy while maintaining visual security if located in restricted or sensitive areas within Gwinnett County Department of Corrections.

Gwinnett County Department of Corrections maintains memoranda of understanding with Gwinnett Sexual Assault Center & Children's Advocacy Center.

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

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

Does Not Meet Standard (requires corrective action)

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

Gwinnett County Department of Corrections has a method to receive third-party reports of sexual abuse/harassment and distributes publicly, information on how to report sexual abuse and sexual harassment on behalf of an offenders. Visitors can go to [www.Gwinnettcountry.gov](http://www.Gwinnettcountry.gov). Offenders can contact the Ombudsman Office or the State Board of Pardon and Paroles Office of Victim Services.

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

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

Does Not Meet Standard (requires corrective action)

Based on review of 3.5.3 VIII. O and interviews with random staff; warden and medical/mental health staff I find they meet this standard.

Gwinnett County 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 Gwinnett County Department of Corrections; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. All personnel are provided with PREA training that instructs them on the proper procedure for reporting any incidents that are in any way related to PREA.

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.

Gwinnett County Department of Corrections' 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 or local vulnerable person's statute, Gwinnett County Department of Corrections reports the allegation to the designated State or local services agency under applicable mandatory reporting laws.

Gwinnett County Department of Corrections reports all allegations of sexual abuse and sexual harassment; including third-party and anonymous reports, to Gwinnett County Department of Corrections' designated investigators. All allegations of sexual abuse and sexual harassment, including third party and anonymous reports, will be reported to the Gwinnett County Police Department. The Warden will be responsible for ensuring these notifications are made as soon as possible.

**§115.62 Agency protection duties**

- 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 VIII. P; Incident Report and interviews with random staff and warden I find they meet this standard.

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

**§115.63 Reporting to other confinement facilities**

- 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 3.5.3 VIII. Q and interview with warden I find they meet this standard.

In cases where an offender of Gwinnett County Department of Corrections is sexually abused while confined at another facility the PREA Compliance will immediately upon notification notify

the head of that facility. No allegations or reports of sexual abuse/sexual assault have been received.

**§115.64 Staff first responder duties**

- 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 3.5.3 VIII. R; 1<sup>st</sup> Responder Card and interview with security staff who are first responders and random staff I find they meet this standard.

Upon learning of an allegation that an offenders 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. Gwinnett County Department of Corrections has a local policy outlining the steps to take as a first responder.

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. All staff are issued a 1<sup>st</sup> Responder Card that outlines the procedure to take in the event of a sexual assault. Based on random staff interviews and them showing me the cards during the interview I find they exceed in this standard.

**§115.65 Coordinated response**

- 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 3.5.3 VIII. B.6 and Institutional Plan and interview with warden I find they meet this standard.

Gwinnett County Department of Corrections 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. Gwinnett County Department of Corrections as a written Institutional plan that identifies the roles of each individual involved in the PREA investigations.

§115.66	<b>Preservation of ability to protect offenders from contact with abusers</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)
- Not applicable standard

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

Based on interview with Warden, Gwinnett County Department of Corrections does not have collective bargaining.

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

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

Based on review of 3.5.3 VIII. S; 90 day Offenders Sexual Abuse Review Checklist and interview with warden and designated staff member with monitoring retaliation I find they meet this standard.

Gwinnett County Department of Corrections has a policy to protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff, and designate which staff members or departments are charged with monitoring retaliation. Anyone who retaliates against a staff member or an offenders who has reported in good faith an allegation of sexual abuse or sexual harassment in good faith shall be subject to disciplinary action.

Multiple protection measures include offenders housing changes or transfers, removal of alleged staff or offenders abusers from contact with victims, and emotional support services for offenders or staff who fear retaliation for reporting or for cooperating with investigations.

The Compliance Manager who is also the retaliation monitor shall, for at least 90 days following a report of abuse, monitor the conduct and treatment of offenders or staff who reported the sexual abuse to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation. This monitoring will include review of any offender's disciplinary reports, housing or program changes, or negative performance reviews or

reassignments of staff. Such monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need.

If any other individuals/offenders, who are cooperating with the investigation, feel a need for retaliation monitoring, the Compliance Manager for the victim will also serve in this capacity for these identified individuals.

§115.68	<b>Post allegation protective custody</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. K. 6 and memo designating safe housing and interview with warden I find they meet this standard.

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

§115.71	<b>Criminal and administrative agency investigation</b>
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Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. T; SART Investigators Checklist; Training Certificates for Investigators and interview with investigative staff I find they exceeds this standard.

When Gwinnett County 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 Gwinnett County Department of Corrections Sexual Abuse Response Team (SART). Substantiated SART investigations will immediately be referred to the Gwinnett County Police Department and unsubstantiated SART investigations shall be referred to Internal Affairs for an administrative review.

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

Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged

victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator. Gwinnett County Department of Corrections follows the procedures set forth in policy number 3.5.3. Gwinnett County Department of Corrections will follow 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, Gwinnett County Department of Corrections conducts compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. Gwinnett County Department of Corrections complies with this standard by following policies and procedures as outlined in 3.5.3.

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 offenders or staff. Gwinnett County Department of Corrections does not require offenders who allege 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. Gwinnett County Department of Corrections complies with this standard by following policies and procedures as outlined in the 3.5.3.

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 five years.

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.

Gwinnett County Department of Corrections retains all written reports for as long as the alleged abuser is incarcerated or employed by Gwinnett County Department of Corrections, plus five years. Gwinnett County Department of Corrections complies with this standard by following policies and procedures as outlined in 3.5.3.

The departure of the alleged abuser or victim from the employment or control of Gwinnett County Department of Corrections or agency does not provide a basis for terminating an investigation. Gwinnett County Department of Corrections complies with this standard by following policies and procedures as outlined in 3.5.3. Based on the extensive training of all investigator involved I find they exceed this standard.

- 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 3.5.3 VIII T.19 and interview with investigative staff I find they meet this standard.

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

§115.73      **Reporting to offenders**

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

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

Based on review of 3.5.3 VIII. U; Offenders Response memo and interview with warden and investigative staff I find they meet this standard.

Following an investigation into an offender’s allegation that they suffered sexual abuse in an agency facility, Gwinnett County Department of Corrections informs the offenders as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Gwinnett County Department of Corrections complies with this standard by following 3.5.3, which states, “Following an investigation of a PREA allegation, the offenders victim will be informed of the investigative findings (sustained, sustained other, not sustained, unfounded, or exonerated) within 10 business days of final disposition entered by the Warden or his/her designee. If an investigation exceeds thirty (30) calendar days, an update will be given to the complainant, either in writing or by telephone, informing them as to the status of the case until such time as the investigation has been completed. In the event an allegation is investigated by personnel from an outside agency, a notification will come from the investigative agency, with a copy to the Warden.”

If Gwinnett County Department of Corrections did not conduct the investigation, it requests the relevant information from the investigative agency in order to inform the offenders. Gwinnett County Department of Corrections will obtain a copy of the investigation document and make proper notification to the offenders as defined by policy.

Following an offender’s allegation that a staff member has committed sexual abuse against the offenders, Gwinnett County Department of Corrections subsequently informs the offenders (unless Gwinnett County Department of Corrections has determined that the allegation is

unfounded) whenever the staff member is no longer posted within the offender's unit; the staff member is no longer employed at Gwinnett County Department of Corrections; Gwinnett County Department of Corrections learns that the staff member has been indicted on a charge related to sexual abuse within Gwinnett County Department of Corrections; or Gwinnett County Department of Corrections learns that the staff member has been convicted on a charge related to sexual abuse within Gwinnett County Department of Corrections. Gwinnett County Department of Corrections will comply with this directive by following Georgia Department of Corrections policy 3.5.3 which states, "Following an offender's allegation that a staff member has committed sexual abuse against the offenders, the Warden or his/her designee (Compliance Manager) shall subsequently inform the offenders (unless the allegation is unfounded) If determined that notification is appropriate, it will be made in accordance with 28 CFR § 115.73."

Following an offender's allegation that they had been sexually abused by another offenders, Gwinnett County Department of Corrections subsequently informs the alleged victim whenever Gwinnett County Department of Corrections learns that the alleged abuser has been indicted on a charge related to sexual abuse within Gwinnett County Department of Corrections; or Gwinnett County Department of Corrections learns that the alleged abuser has been convicted on a charge related to sexual abuse within Gwinnett County Department of Corrections. Gwinnett County Department of Corrections adheres to the policy defined above as provided for in 3.5.3.

All such notifications or attempted notifications are documented using the Offenders Response Form.

An agency's obligation to report under this standard is terminated if the offenders is released from Gwinnett County Department of Corrections' custody.

§115.76

**Disciplinary sanctions for staff**

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

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

No staff has been involved in a PREA related incident however policies are in place that 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 3.5.3 VIII. V. 1, 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.

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. 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.

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

§115.77

**Corrective action for contractors and volunteers**

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 3.5.3 VIII. V. 2 and interview with warden I find they meet this standard.

No contractor/volunteer has been involved in a PREA related standard however policies are in place that address the following:

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

Gwinnett County Department of Corrections takes appropriate remedial measures, and considers whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. All Gwinnett County Department of Corrections' volunteers and contractors that do not adhere to the PREA standards set forth in 3.5.3 are subject to the disciplinary standards as defined by that same policy. Remedial measures may include prohibiting contact with residents and reporting the incident to the appropriate law enforcement agency.

§115.78

**Disciplinary sanctions for offenders**

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

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

Based on review of 3.5.3 VIII. V.3 and interview warden I find they meet this standard.

No inmate has been involved in a PREA incident however policies are in place that address the following:

Offenders are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offenders engaged in offenders-on-offenders sexual abuse or following a criminal finding of guilt for offenders-on-offenders sexual abuse. Gwinnett County Department of Corrections will subject offenders to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offenders engaged in offenders-on-offenders sexual abuse or a criminal finding of guilt for offenders-on-offenders sexual abuse.

Sanctions are commensurate with the nature and circumstances of the abuse committed, the offender’s disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories. Sanctions will be commensurate with the nature and circumstances of the abuse committed, the offender’s disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories.

The disciplinary process considers whether an offender’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

Gwinnett County Department of Corrections disciplines an offenders 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.

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

§115.81	<b>Medical and Mental health screening; history of sexual abuse</b>
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- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

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

Based on review of 3.5.3 VIII. J.; PREA Sexual Victim/Sexual Aggressor Classification; Corizon Mental Health Evaluation Tool; Informed Consent for Medical Services an interview with staff responsible for risk screening and medical/mental health staff I find they meet this standard.

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

If the screening indicates that an offenders has previously perpetrated sexual abuse/prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensure that the offenders is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

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

§115.82

**Access to emergency medical and mental health services**

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 3.5.3 VIII. W. 1-3; MOU with Gwinnett Sexual Assault Center & Children Advocacy Center; Corizon Medical Contract and interview with medical and mental health staff I find they meet this standard.

Offender's victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.

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

Offender's 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 Gwinnett County Department of Corrections.

Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Offenders are never charged for incidents arising out of a sexual assault.

§115.83

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

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

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

Based on review of 3.5.3 VIII. W 4-11; SART investigators referral from to medical and mental health and interview with medical/mental health staff I find they meet this standard.

Gwinnett County Department of Corrections offers medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.

In providing ongoing medical treatment services, Gwinnett County Department of Corrections will utilize the medical services of Corizon medical staff. In providing ongoing mental health services there is a part time Mental Health Counselor at the facility 8 hours a week. If one of the offenders needs further mental health care beyond what can be provided by the staff counselor the offender is transferred to Phillips State Prison which is the catchment facility, if a state offender. If it is a county inmate mental health services can be provided by the Corizon Mental Health staff at Gwinnett County Jail and if it is a Work Release offender they can receive mental health care in the community. These services will be provided at no cost to the offenders 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, Gwinnett County Department of Corrections medical, medical and mental health staff utilize treatment plans, referrals and, if necessary, placement in other facilities, including facilities outside Gwinnett County Department of Corrections, upon the victim's release from custody.

Gwinnett County Department of Corrections 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.

Offender's victims of sexually abusive vaginal penetration while incarcerated are offered pregnancy tests. If pregnancy results victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. The only females at this facility are in the Work Release program and these offenders receive services in the community.

Offender's victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. All Gwinnett County Department of Corrections' offenders who are victims of Sexual assault are treated by the Sexual Assault Nurse Examiner (SANE). Depending on the circumstances of the abuse, testing for sexually transmitted infections may

be conducted at Gwinnett County Department of Corrections or at Gwinnett Medical 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. Gwinnett County Department of Corrections does not charge offenders for PREA related treatments or services.

Gwinnett County Department of Corrections shall attempt to conduct a mental health evaluation of all known offenders-on-offenders abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

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

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

Based on policy 3.5.3 VIII. X.; assignment memo; Incident Review Checklist; PREA Minutes; Sexual Abuse Response Checklist and interview with warden, PREA compliance manager and incident review team I find they meet this standard.

Gwinnett County Department of Corrections 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 Gwinnett County Department of Corrections; and they examine the area in Gwinnett County Department of Corrections 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.

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

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

Gwinnett County Department of Corrections collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions, and aggregates the incident-based sexual abuse data at least annually.

The incident-based data collected is based on the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. No request has been made.

Gwinnett County 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.

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

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

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

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

Based on review of 3.5.3 VIII. Y and interview with PREA coordinator I find they meet this standard.

Gwinnett County 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 Gwinnett County 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 Gwinnett County Department of Corrections’ progress in addressing sexual abuse.

Gwinnett County Department of Corrections’ report is approved by Gwinnett County Department of Corrections head and made readily available to the public through its website [www.gwinnettcountry.com/portal/gwinnettdepartment/corrections](http://www.gwinnettcountry.com/portal/gwinnettdepartment/corrections).

§115.89	<b>Data storage, publication and destruction</b>
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- Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

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

Gwinnett County 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 [www.gwinnettcountry.com/portal/gwinnettdepartment/corrections](http://www.gwinnettcountry.com/portal/gwinnettdepartment/corrections).

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 Gwinnett County Department of Corrections under review.

*Katherine Brown*

June 4, 2016

Auditor Signature

Date