

Sussex Correctional Institution

PREA Audit Summary

A Prison Rape Elimination Act (PREA) audit was conducted at Sussex Correctional Institution (SCI) from September 14-17, 2020. The audit was performed by a US DOJ-certified PREA Auditor. The audit was originally scheduled to take place in April 2020, and then July 2020, but had to be rescheduled twice due to the COVID-19 pandemic.

Prior to the audit, the DDOC submitted a completed Pre-Audit Questionnaire (PAQ) via the PREA Online Audit System. The PAQ contained preliminary compliance documentation for the auditor to review prior to arrival at the facility. The SCI PREA Compliance Office hung audit notices throughout the facility to alert inmates and staff of the upcoming audit and provide instructions for contacting the auditor.

On September 14, the auditor toured the entire facility, to include the following areas: Maintenance Shop, Unit 14, Gatehouse, Kennel, Program Building, Front Counter, Front Counter, Quick Response Team Muster Room, Visiting Room, Control Room, Mini-Armory, Pre-release program Education Department, Housing Unit Four, Law Library, Kitchen, Gymnasium, Laundry, Medical, Mental Health/Dental Building, Key South Building, Medium Building, Minimum Building, Multi-Security Building, and Merit Building.

On September 15 and 16, the auditor reviewed compliance documentation and interviewed staff and inmates. The auditor interviewed 20 random staff members, in excess of the 12 random staff interviews required by the PREA Auditor Handbook. The auditor also conducted the required targeted staff member interviews, to include the facility Warden, PREA Compliance Manager, Department PREA Coordinator, Medical and Mental Health staff, and PREA investigators.

The auditor interviewed 30 inmates, which met the minimum required number of inmate interviews as stipulated by the PREA Auditor Handbook for a facility that houses 501-1,000 inmates. Those interviewed included a random sample of inmates, and targeted inmates such as inmates who are Limited English Proficient, LGBTI inmates, inmates who reported sexual abuse that occurred in the facility, and inmates who reported prior sexual victimization during the risk screening. Overall, inmates reported that they feel safe at SCI.

On September 17, a closeout meeting for the onsite audit was held in the Warden's Conference Room. Attendees included Warden Truman Mears, Deputy Warden Jon Beck, Major Marvella Wise, Captain Kendall Hickman (PREA Compliance Manager), Staff Sgt. Brian Hubbs, Sgt. Edward Madigan, Lt. Ryan Bradford, Heather Zwickert (Deputy Chief of Planning, Research, & Reentry), Damaris Schweers (Department PREA Coordinator), and Shane Troxler (Chief, Bureau of Prisons). During the meeting the auditor summarized preliminary observations and her assessment of the audit.

Observations:

- *115.15 Limits to cross-gender viewing and searches*
 - The auditor had concerns about the privacy in the shower area of the Key Building. However, she recognizes that this is due to the physical plant of the facility, so options are limited. She recommended looking at post orders and inmate housing rules to ensure everyone knows when and how the curtains in this area should be closed.
 - Approximately 20% of inmates reported during their interview with the auditor that female staff do not announce themselves when entering a housing unit. The auditor noted that this does not rise to the level of the noncompliance. She recommended reminding staff of their responsibility to announce their presence when entering a housing unit of the opposite gender.
- *115.51 Inmate reporting*
 - Several inmates told the auditor that they thought it was necessary to enter their SBI number in order to call the PREA hotline. The auditor recommended clarifying this in posters and/or the inmate handbook. Prior to the auditor's departure, posters advertising the PREA hotline were reprinted to explicitly state that it is not required to input an SBI number when calling the hotline,

Areas where the auditor believes SCI exceeds the standard:

- *115.33 Inmate education*
 - The auditor received positive feedback from inmates regarding the facility's use of an inmate peer educator. The inmates she interviewed appreciated having an educator who is one of their peers. The auditor stated said that SCI is the only facility she knows of that is using this method of inmate education.
- *115.86 Sexual abuse incident reviews*
 - The auditor appreciated that Critical Incident Reviews are conducted for all investigations, including those that are unfounded. She says this allows the facility to pay attention to the small details and indicates that DDOC takes all allegations seriously.

The auditor was complimentary of the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. She explained that while auditors do not make final compliance determinations during the onsite portion of the audit, she does not foresee a need for corrective action due to noncompliance with any of the PREA standards. The auditor informed the group that the audit report would be provided within 45 days, as stipulated in the PREA Auditor Handbook.

In the weeks following the onsite portion of the audit, the auditor did not ask for any additional information from the facility or the Statewide PREA Coordinator or give any indication that there were compliance issues with any of the PREA standards. As the 45-day deadline (November 1, 2020) for the final report approached, the Statewide PREA Coordinator made attempts to contact the auditor regarding the status of the report but received no response. The deadline for the report passed with no word from the auditor. The Statewide PREA Coordinator, American Correctional Association, PREA Resource Center, and PREA Management Office (PMO) made multiple attempts to get in contact with the auditor to no avail.

The Statewide PREA Coordinator contacted the PREA Management Office to inquire if the absence of a final audit report from a DOJ certified PREA auditor would make DDOC noncompliant with PREA Standard 115.403 (f), which requires that the auditor's final report be published on the agency website. The PMO response was that it is reasonable to conclude that DDOC would not be in violation of 115.403(f) if there was a completed onsite visit but there is no audit report produced by the auditor for the agency to post. The PMO also noted that when it comes time for the Governor to make a certification determination, final reports for facilities audited during the cycle are not the only the only consideration.

In the absence of a final audit report, the DDOC offers this summary of the 2020 PREA audit of the Sussex Correctional Institution to demonstrate compliance with PREA Standards 115.401 and 115.403(f).