

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
PLAINTIFF,	)	
	)	
v.	)	Civil No. 02:15cv368-MHT
	)	
THE STATE OF ALABAMA AND THE	)	
ALABAMA DEPARTMENT OF	)	
CORRECTIONS,	)	
	)	
DEFENDANTS	)	

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**Monitor’s Sixth Compliance Report**

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## **Introduction**

The State of Alabama and the United States Department of Justice (DOJ) entered into a settlement agreement on May 28, 2015. The agreement involves a comprehensive set of provisions regarding the safety and security of the women offenders housed at the Tutwiler Prison for Women (Tutwiler). The purpose of the compliance report is to document the progress of the actions of the Alabama Department of Corrections (ADOC) and Tutwiler in response to the specific requirements of the provisions in the settlement. This is the sixth required court report, due August 28, 2018, submitted by independent Monitor Kathleen Dennehy. This Court approved Ms. Dennehy as monitor on August 26, 2016.

Ms. Dennehy conducted a compliance visit June 3-8, 2018. This report describes the actions taken by the monitor to determine compliance and uses the time frame January 1, 2018 through June 30, 2018 as the "reporting period."

The settlement uses four levels to measure compliance: Substantial Compliance, Partial Compliance, Non-Compliance, and Not Applicable (N/A). The Summary of Compliance section of this report at page 63 includes a chart summarizing the compliance status for each provision.

## ***Specific Actions to Evaluate Compliance***

The monitor took the following specific actions to evaluate compliance:

- 1) During Monitor Dennehy's June 2018 compliance visit with the Alabama Department of Corrections (ADOC) and Tutwiler, she interviewed central office ADOC staff, including executive leadership and section managers,

who have responsibilities related to the ADOC and Tutwiler compliance with the settlement. Monitor Dennehy also interviewed ADOC staff assigned to Tutwiler, including the facility's top leadership, staff with specific settlement responsibilities, and the Institutional Prison Rape Elimination Act (PREA) Compliance Manager. The monitor handpicked some staff for interviews and randomly selected other uniform staff from employee rosters for one-on-one interviews. These staff members were diverse in gender, years of experience in corrections, and race. The monitor also met individually with seven women prisoners who had previously corresponded with her for the purpose of obtaining additional information and determining if additional follow up on their issues was needed. The monitor was provided meeting space to engage in private conversations with these staff and inmates. In addition to these formal, private interviews, the monitor was afforded open access to staff and inmates during the monitoring visit and had many opportunities to question and engage in conversations with both staff and inmates while touring the housing and program areas.

- 2) The monitor reviewed multiple ADOC and Tutwiler documents during this reporting period. These documents included previously promulgated ADOC and Tutwiler policies, ADOC and Tutwiler policy drafts, and training curricula, attendance records and materials. Prior to the June compliance visit, the monitor requested and received many documents, including inmate polling results; randomly selected inmate grievances; all

PREA related grievances; and several updates on the management of transgender individuals; as well as an update on the activities of the Gender Dysphoria Committee, to prepare for a tour of the facility and staff and inmate interviews. During the tour, the ADOC allowed the monitor access to investigations, training files, staff rosters, and shift reports. The ADOC provided full access to records maintained by the Institutional PREA Compliance Manager, Lt. Felisha Blanding; Grievance Coordinator, Ms. Tina Tyler; and Settlement Compliance Manager, Warden Lagreta McClain. After the compliance visit, the monitor requested and received additional documents to substantiate and assess the progress of the work and actions taken by the ADOC and Tutwiler in response to the requirements of each section of the settlement.

- 3) Tutwiler has a notice posted throughout the facility, with correspondence addresses for the monitor. During this reporting period, the monitor did not receive any correspondence from third parties. The monitor did receive correspondence from fourteen Tutwiler inmates prior to the monitoring visit and another four letters after the compliance visit. These letters addressed a wide range of allegations, including perceived racial discrimination against Caucasian inmates, staff's inconsistent adherence to policy, some staff confusion regarding shower accommodations for transgender inmates, a delay in the receipt of a prescribed knee brace, and an officer's failure to adhere to Tutwiler's protocol for addressing transgender inmates by their expressly preferred pronoun. Many letters

included complaints about the actions of other inmates, specifically the women who use PREA allegations to manipulate their own housing assignments or in an attempt to have targeted inmates removed from their units. The monitor is quite familiar with the potential manipulation of PREA allegations by inmates against other inmates or staff. To Tutwiler and ADOC's credit, it appears to the monitor that all allegations are appropriately investigated. Tutwiler has been very cautious responding to allegations that are determined to be unfounded. Staff have balanced the need to hold inmates accountable for their actions against the risk of discouraging the active reporting of legitimate allegations by others. The monitor reviewed each letter and requested additional information from ADOC officials to better assess the contents of the correspondence and to request follow-up action where appropriate. In each instance, the ADOC provided timely and appropriate responses. Prior to the compliance visit, the monitor had requested to receive all grievances filed by some of the inmates who had written to her. In addition, the monitor formally interviewed two other women who had asked to speak with her privately during the tour.

- 4) The monitor had multiple communications with Deputy Commissioner Wendy Williams during this reporting period to request investigative summaries and to address questions about either inmate correspondence or grievances reviewed by the monitor. The ADOC and Tutwiler staff have consistently provided timely and thorough responses for each

information request made by the monitor.

- 5) At the conclusion of the December 2017 visit, the monitor requested that Tutwiler schedule an upcoming Quality Improvement meeting during the June 2018 visit, so she and DOJ attorneys could attend and observe firsthand how the enormous amount of quantitative and qualitative data being collected is analyzed by staff and applied as a means of improving operations. Tutwiler accommodated this request and the monitor and attorneys attended this meeting on June 7, 2018.

## **Executive Summary**

### ***Intent of the Report***

This report is made to inform the Court and the parties of the monitor's assessment of the current progress and status of the ADOC and Tutwiler compliance with the settlement provisions and requirements. The monitor provides feedback for the ADOC and Tutwiler in each section. In some sections of the report, the monitor includes recommendations for the ADOC and Tutwiler actions over the next reporting period.

### ***Alabama Department of Corrections: Progress, Strengths and Challenges***

#### **Progress**

As in prior reporting periods, the monitor observed steady, continuing progress by the ADOC and Tutwiler towards reaching full compliance<sup>1</sup> with the terms of the settlement agreement. In this sixth compliance report, the monitor has determined that

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<sup>1</sup> The definitions of degrees of compliance are addressed in the Summary of Compliance section of this report at page 56.

Tutwiler and the ADOC have achieved "substantial compliance" with 40 sections, and have achieved "partial compliance" with 3 sections of the agreement.<sup>2</sup> Attachment C provides a detailed summary of the monitor's compliance determinations.

While the compliance tally for this sixth compliance report is the same as the tally documented in the fourth and fifth reports, the narrative that supports the compliance ratings in this sixth compliance report illustrates Tutwiler and the ADOC's continued progress under the settlement agreement. In the first court report filed February 24, 2016, the monitor found the ADOC and Tutwiler in "substantial compliance" with 12 sections of the settlement agreement. In the second report filed August 25, 2016, the monitor found the ADOC and Tutwiler in "substantial compliance" with a total of 37 sections of the agreement. In the third report filed March 28, 2017, the monitor determined "substantial compliance" in 39 sections and "partial compliance" in 4 sections of the agreement. In the fourth and fifth compliance reports, the monitor determined "substantial compliance" with 40 sections and "partial compliance" with 3 sections of the agreement.

The findings of "substantial compliance" and "partial compliance" are specific to the monitor's observations and findings of fact regarding the ADOC and Tutwiler's degree of compliance with the requirements of the various sections. The monitor understands these compliance determinations reflect a "continuum" of staff actions that will be evaluated in each court report.

#### *General Policies and Procedures*

The ADOC and Tutwiler continue to maintain written policies to prevent sexual

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<sup>2</sup> One settlement agreement provision is not subject for compliance assessment until March 2019.



abuse and sexual harassment. The current policy in place at Tutwiler that contains Prison Rape Elimination Act (PREA) provisions is Standard Operating Procedure (SOP) 8-12, *Inmate Sexual Abuse and Sexual Harassment*. This procedure incorporates recommendations previously made by the DOJ and the monitor.

In group discussions, formal individual interviews, informal discussions, and interactions and observations while touring, staff members consistently demonstrated to the monitor an awareness of their responsibilities regarding reporting allegations of sexual abuse and sexual harassment, safety for inmates and investigative processes. Staff consistently demonstrated on-the-job knowledge of the policies and procedures on which they have been trained.

On September 28, 2017, the ADOC forwarded the final version of SOP 8-30, *Behavior Intervention & Discipline Policy* to the DOJ and the monitor. Although Warden Wright signed off on the policy in September, a commitment was made to not publish or disseminate the new policy until Tutwiler completed all the required staff training and inmate education on the new policy. An implementation plan and a Disciplinary SOP Training Facilitator's Guide were developed and reflect the thoughtful implementation of this policy. Staff training was being conducted during the December 2017 monitoring visit and the Deputy Commissioner for Women's Services certified that this training was completed on December 15, 2017. All ADOC staff working at Tutwiler, as well as staff who work for the contracted inmate mental health and medical services providers were required to attend this training. This policy became effective January 1, 2018. While the policy was developed and training has been conducted, in the monitor's opinion it is too soon to declare this culture shifting policy as implemented. This policy seeks to establish

a disciplinary structure and process that is evidence-based, strength based, gender-responsive, and trauma-informed, and that reinforces a safe facility culture by motivating inmate behavior and encouraging self-management. The goal is to hold inmates accountable for their behaviors and actions utilizing mediation, cognitive behavioral interventions, and the lowest possible disciplinary sanction to address rule violations.

Employees may respond to low-level misconduct by verbal re-direction which may include helping the inmate to refocus to more productive behavior and positive tasks, collaborative problem solving with the inmate, and engaging inmates through motivation strategies. The Behavior Intervention Program was developed for those inmates who have already engaged with employees on the verbal redirect level and continue to violate rules, or for those who violate a medium-level misconduct rule and verbal redirect is not appropriate. Appropriate strategies to address behaviors or specific rule violations are recommended by the charging official and approved by the shift supervisor. Examples of these kinds of interventions include: journaling, book reading assignments and book reports, restorative actions, or a referral to a counselor or case manager. The traditional, formal disciplinary process is reserved for instances when verbal redirection and the behavior intervention program has been unsuccessful or a serious incident has occurred.

On June 5, 2018 Warden Wright provided the monitor with an interim report on the implementation of SOP 8-30. From January 1, 2018 through May 31, 2018 a total of 300 verbal redirections were issued and 37 behavior interventions were employed. Only a total of 153 formal disciplinary reports were issued. To date, the new policy has been met with mixed reviews by both staff and inmates. This is fully understandable and to be expected because implementation of this policy requires a significant shift in both the

inmate and staff cultures. It will require sustained supervision, on-going monitoring of the implementation of this policy, and additional staff training and inmate education as needed.

During the December 2017 visit, one required SOP remained outstanding: SOP 8-24 *Disciplinary Segregation*. The finalization of this policy was contingent on the finalization of SOP 8-30, *Behavior Intervention & Discipline Policy* as the final version of SOP 8-24 *Disciplinary Segregation* had to align with changes made to the SOP 8-30. On May 7, 2018, SOP 8-24 was submitted to the DOJ and the monitor for review and comment which was provided to ADOC and Tutwiler prior to the June 2018 visit. This is the last of the SOP's required to be finalized in accordance with the settlement agreement. All other SOP's and Post Orders have been developed and implemented.

For the reasons cited, the monitor has determined that ADOC and Tutwiler currently remain in "Partial Compliance" with this provision. The monitor does expect to make a determination of "Substantial Compliance" during the December 2018 visit after a period of full implementation of SOP 8-24 and SOP 8-30 is observed.

#### *Camera Management*

Both staff and inmates continue to express appreciation of the significant role cameras play in the prevention of sexual abuse and the important role the camera footage plays in investigations and in holding both staff and inmates accountable.

ADOC and Tutwiler conducted their second annual camera review meeting in November 2017. The third annual assessment will be conducted in November 2018 prior to the monitor's next visit and the ADOC PREA Coordinator will attend as

recommended by the monitor. During the June visit, the monitor visited the camera operations room and remains quite impressed with the cameras' capabilities as well as the staff's maintenance of the equipment. The on-duty staff were fully attentive and engaged in their duties.

### *Staffing*

ADOC and Tutwiler expended considerable funds to have a Staffing Analysis conducted at Tutwiler by nationally recognized experts to research and develop a gender-responsive staffing plan for Tutwiler. This staffing plan was informed by gender-responsive principles identified by the National Institute of Corrections (NIC), Prison Rape Elimination Act (PREA) requirements, U.S. Department of Justice (DOJ) settlement agreement requirements, and emerging correctional practice.

For the first court report, former Monitor Lancaster was asked to review the schedule for the Phase II Staffing section due to its complexity, multiple requirements, and need for a tremendous amount of data from ADOC and Tutwiler. Monitor Lancaster provided recommendations in the first court report and noted concerns at that time about the timeframes established in the settlement for the completion of the analysis and the implementation of the staffing plan. Revisions to the schedule were strongly recommended by the monitor at the beginning, and project extensions were granted.

ADOC submitted the draft staffing analysis to the DOJ and the monitor in Spring 2016. Both the DOJ and Monitor Lancaster offered comments on this draft in late June 2016. On August 16, 2016 ADOC sought clarification regarding some of DOJ's feedback.

During the December 2016 Compliance Visit, the DOJ asked the new monitor to

review the draft staffing plan and the DOJ's comments in an attempt to clarify all comments for ADOC's review and response. On January 30, 2017, Monitor Dennehy provided ADOC with extensive feedback.

The monitor recognizes that a solid staffing analysis and plan is fundamentally important as a tool to determine the number and type of employees needed to staff Tutwiler. It is a dynamic document that examines the nature of the work to be done in terms of volume, location, and duration. A solid analysis of staff requirements is instrumental to identifying the knowledge, skills and abilities needed for a gender-responsive, trauma-informed Tutwiler workforce. This a complex and challenging task, complicated by a high percentage of position vacancies, a high rate of staff call outs and critical posts being filled by mandating overtime for officers, and assigning supervisors to line posts or doubling up officer posts. It is important to note, that at this juncture, there is no national model of a gender-specific staffing plan. Given the complexity of this task, both the ADOC and the DOJ agreed that additional time was needed for ADOC to work through the DOJ and the monitor's comments and finalize the plan, and Monitor Dennehy approved an extension to June 1, 2017.

The ADOC continued to work with the monitor and DOJ towards developing a final approved staffing analysis to ensure it effectively incorporated the gender responsive principles required in the Settlement Agreement. The monitor approved an additional extension to allow ADOC sufficient time to review and respond to each recommendation made by the DOJ and the monitor.

On July 26, 2017, the ADOC provided the DOJ and the monitor a copy of the finalized staffing plan and a matrix listing every comment and suggestion previously

provided to the ADOC by the DOJ and the monitor, together with an explanation for what was modified and what was not included in the final plan issued by the ADOC. The monitor reviewed the staffing plan and ADOC's documented consideration of the monitor and the DOJ's recommendations.

ADOC and Tutwiler are balancing several record production and reporting requirements. The monitor requested ADOC and Tutwiler provide periodic progress updates on the implementation plan addressing the recommendations made in the staffing plan. The monitor received the latest progress update on June 20, 2018. This planning document accounts for the progress towards all outstanding recommendations regarding staffing. As of April 2, 2018, Tutwiler had implemented 16 of the 22 recommendations in the staffing plan. Full implementation is expected in 2018. Looking forward, by September 1, 2018, Tutwiler will consider two specific recommendations. First, they will explore moving breakfast later by 90 to 120 minutes and adjusting subsequent activities to increase staffing efficiency to lower peak staffing demands and to provide inmates with more hours to sleep. Second, they will consider adjusting the timing of other intermittent activities to lower the level of peak staffing demand. The monitor recognizes the implementation of the staffing plan is ongoing and will continue to request these periodic implementation progress updates.

In addition to the aforementioned reports, in compliance with Section III.C.2.vi of the Agreement, ADOC and Tutwiler are required to submit quarterly staffing reports to the monitor and the DOJ. These reports account for new employees, transfers and resignations and retirements. During this reporting period, the monitor received those reports on March 7, 2018 and June 11, 2018.

The Agreement also requires ADOC and Tutwiler to submit a biannual staffing report covering the six month period of time after the development of the staffing plan. This report covers the timeframe July 26, 2017-January 26, 2018 and was submitted to the DOJ and the monitor on March 13, 2018. Receipt of the second bi-annual staffing report will cover the time period January 27, 2018-July 26, 2018 and will be submitted to the DOJ and the monitor once compiled. Thereafter, the report will be provided on an annual basis until termination of the Agreement.

The monitor remains concerned about the correction officer staffing levels at Tutwiler. As of December 31, 2017, there were 54 correction officers on staff (36 females and 18 males). This translates into only 34% of Tutwiler's correction officer positions were filled. In contrast, 89% of supervisor positions were filled and 76% of non-uniformed positions were filled. As of March 1, 2018, only 33% of the correction officer positions were filled. In March 2018, 10 additional officers were transferred to Tutwiler as a result of the closing of another ADOC facility. It is significant to note that these officers self selected to transfer to Tutwiler. The addition of these officers helped to address some of Tutwiler's immediate staffing needs. As of June 30, 2018, 40% of Tutwiler's correctional officer positions were filled, not including seven part-time, retired officers.

The monitor also appreciates the efforts Tutwiler has taken to mitigate the issues resulting from understaffing. Those steps have included a reliance on overtime and using employees who are not fully certified correction officers for certain jobs, such as monitoring the prison's camera system, placing supervisors on line posts when needed to maintain operations and doubling up correction officer housing posts. The ADOC

continues the practice of allowing officers from other ADOC facilities to work overtime or otherwise be temporarily assigned at Tutwiler only after those officers have been trained as required by the settlement agreement. The monitor cross-referenced staff training attendance records with the names of officers on overtime rosters to verify this training requirement is being met. The Tutwiler staffing plan calls for one officer to be assigned to each dorm. It has become the norm that some posts must be doubled each shift as a result of low staffing levels. When this occurs, one officer must cover two dorms, however, video surveillance is constant in all dorms. Upon occasion, supervisors are pulled from their assignments to perform correction officer duties. While these efforts may be workable in the short term, they do not, in the monitor's opinion, present a long term solution to the chronic staffing shortage. As such, the recruitment and retention of qualified staff is critically important.

Going forward, the monitor recognizes that the staffing plan is evolving and will need to be revisited periodically as the facility schedule, programming changes and dorm reconfigurations are made to support critical changes to the gender responsive classification process.

The ADOC and Tutwiler committed to conducting another staff survey in 2018. A draft was provided to the DOJ and monitor on April 2, 2018. The instrument was modified based upon the feedback, and it launched on May 15, 2018. Employees had until June 8, 2018 to complete the survey on line. The results of the survey were provided to the DOJ and monitor on July 16, 2018 and will be reviewed and addressed by the monitor in the next compliance report. This exercise may provide some much needed insights into the difficulties the ADOC and Tutwiler experience recruiting and retaining



qualified staff, especially female correctional officers.

In addition, ADOC remains engaged in two promising efforts to increase correctional staff. Troy University's Center for Public Service has concluded a comprehensive analysis of the compensation and benefits offered by ADOC to correctional staff. Their final report will include a comparison of ADOC compensation and benefits for correctional staff to the compensation and benefits afforded by law enforcement agencies at the state, county, and local level. This analysis resulted in short-term and long-term recommendations for ADOC concerning compensation and benefits of correctional staff. The second effort involves a comprehensive analysis being conducted by the firm of Warren Averett. This firm is conducting an analysis of ADOC's policies, practices, and procedures relating to or affecting the recruitment, employment, and retention of correctional staff. Warren Averett will make short-term and long-term recommendations for ADOC concerning recruiting, hiring, and retention of correctional staff. The monitor looks forward to reviewing these reports when they are compiled.

In addition to the recruitment efforts of the State Personnel Department, the ADOC and Tutwiler recruit for security staff by announcing testing on the ADOC's website, employee e-mail, TV, radio, newspapers and public billboards. While the recruitment effort is aimed at all races and genders, special outreach to historically African-American colleges and female institutions of learning have been initiated. Also, The Moss Group, Inc. is working with the Tutwiler Strategic Planning Committee sub-committee on retention and recruitment to develop a recruitment plan specific to Tutwiler. This plan is expected to be finalized in August 2018.

Effective July 1, all ADOC Level IV facilities (medium) custody will have a 5%

pay differential for all security staff. All Level V facilities (close) custody, including Tutwiler, will have a 10% pay differential. Since Tutwiler already has a 5% differential in place, another 5% will be added for a total of 10%. An additional pay adjustment will take place effective September 1, 2018 when the entrance level salary for a Tutwiler corrections officer will be \$29,730.80 and starting salary for an employee with an associate's degree will be \$31,217.34 and \$32,703.88 with a bachelor's degree. It is hoped this adjusted differential will enhance recruitment and retention of security staff.

For the reasons cited, the monitor has determined that the ADOC and Tutwiler currently remain in "Partial Compliance" with the staffing and recruitment provisions of the Agreement.

### *Training*

Tutwiler's training team began providing the required annual refresher training regarding sexual abuse and sexual harassment in March 2017. As of July 29, 2017, Tutwiler staff, volunteers, and contracted employees had all completed the refresher training. This year's annual refresher training commenced on May 7, 2018. It is estimated that this training will be completed in November 2018. The completion of this year's annual training will be certified by Deputy Commissioner Williams and reported to the monitor and the DOJ. As part of the refresher training, all staff are again expected to demonstrate proficiency through a post-testing process.

The Tutwiler training team are qualified instructors as they had previously received specialized refresher facilitator training on custodial sexual abuse in September 2016 by the agency's nationally recognized consultant. The facilitator's guide for the

refresher training curriculum was reviewed and commented upon by the DOJ and the monitor, consistent with Section III.A.6 of the Agreement. Additional training on gender-responsive and trauma-informed use of force has been incorporated into the ongoing refresher training.

The monitor has been very impressed with the documentation of staff attendance at training maintained by both Warden McClain, in her capacity as the Settlement Compliance Manager, and the Institutional PREA Compliance Manager. These records are well organized and easily retrievable and demonstrate careful tracking of any pending attendance requirements.

The ADOC, and ADOC's previously contracted inmate health care providers, MHM and Corizon, maintained excellent records documenting their staff's attendance at the required training. Wexford assumed the role of current provider in April 2018 and retained the Tutwiler Mental Health Site Administrator and Health Services Administrator, so the monitor does not expect a change in the quality and timeliness of these staff training records.

#### *Intake Dorm and Overcrowding*

In July 2015, the Deputy Commissioner for Women's Services convened a work group to evaluate methods to decrease or eliminate use of Dorm A (the intake unit) for a period that exceeds 48 hours. Upon entry into the facility, all new admissions are processed and placed in the Intake Unit as they await the results of their medical and mental health screens. Unfortunately, many inmates stay longer than necessary in this unit due to the limited availability of bed space within the ADOC women's facilities.

Tutwiler's initial efforts resulted in both an overall reduced unit count and overall shorter lengths of stay in the unit. More significantly, the decrease in the Intake Unit's population reflected a decrease in Tutwiler's overall population. This reduction in the overall inmate population provided some relief for Tutwiler in housing placement options and staffing deployments. To improve the facility's overall bed management, in January 2018, Tutwiler relocated the intake dorm from Dorm A to Dorm K, a smaller unit. The average length of stay for each inmate in Dorm K is now 5.3 days, compared to the starting point of an average stay of 10-13 days.

*Gender Responsive Risk/Needs Assessment, Classification and Programming*

A consultant, nationally known for her work with women inmates, was contracted to work with the ADOC to develop a gender responsive classification system and assist Tutwiler in developing the programs necessary to address the women's needs. The ADOC forwarded the classification proposal to the monitor and the DOJ for review in May 2016.

An implementation workgroup was created and includes a cross section of key ADOC and Tutwiler staff members. The Women's Risk Needs Assessment (WRNA) and Women's Services Classification Manual were implemented on August 15, 2016, with the expectation that during a six-month "pilot" program all the women at Tutwiler would have an assessment completed on them. The pilot program period was to end February 15, 2017. Following the pilot period, a validation assessment, which was initially anticipated to take two years, was expected to commence. This original timeframe was expected to yield Alabama Women's Risk Need Assessment validation results by March 28, 2019 when an assessment of compliance with the Agreement is due. As a result of a

slower than expected pace of implementation, the pilot end date had to be extended to August 2017.

The pace of implementation was delayed as a result of several factors. The primary reasons for a delay included the: 1) lack of software automation to support WRNA; 2) time delays in hiring new positions required to assist with the implementation process; and 3) slower than expected pace of administering the WRNA to the Tutwiler population.

After an exhaustive Request For Proposal process, the ADOC contracted with a technology company to create the software automation for WRNA. The company established a deliverable date for July 2017. The software company provided the necessary staff training. In addition, Tutwiler had nine new positions allocated and created, and as of July 1, 2017, all the positions were filled. The pace of administering the WRNA accelerated under the leadership of the new classification supervisor. As of mid-July 2017 all the Tutwiler inmates had been classified using the WRNA.

The new classification system incorporates gender-responsive principles and addresses the needs of women inmates at Tutwiler including: housing safety; mental health (depression/anxiety/psychosis); abuse and trauma; family conflict; relationship dysfunction; and parental stress. The system focuses on strength and resiliency factors including educational assets, family support, and self-efficacy. The use of “restricted status” for female inmates was abolished in September 2016 pursuant to the new classification system. A comparison of classification levels of Tutwiler inmates on August 1, 2016 and May 1, 2018 documents the impact of the new classification system. In 2016, 47% of the women were classified as minimum custody. In 2018, this rose to

66%. In 2016, 30% of the women had been classified as medium custody, that number reduced to 23% in 2018. These numbers reflect that many women's custody levels were historically over classified due to a reliance on classification instruments and processes designed for male prisoners. Women offenders' pathways to incarceration are different than those for men. The monitor expects to see continuing shifts in the distribution of custody levels of the women at Tutwiler.

In October 2016, ADOC formed a WRNA validation committee. The final validation plan was provided to the DOJ and the monitor on July 28, 2017. ADOC prepared a Request for Proposal to conduct this study and it was disseminated to potential researchers in June 2018. The ADOC reports that they expect to have a researcher on contract in Summer 2018. The validation study will begin once a contract is in place. The entire validation process is expected to take three years and six months to complete once the process begins. The applicable provision in the Agreement is not subject to a compliance assessment until March 2019.

A gender responsive program committee was convened in October 2016 to research and develop a proposal for review by the Deputy Commissioner for Women's Services and the Associate Commissioner for Plans and Programs. The contracted expert facilitated the committee's work. They focused on identifying and developing evidence-based programs that are gender specific and responsive to the programming needs identified by the WRNA. The initial proposal was forwarded to the DOJ and the monitor for review in April 2017. The final proposal that addressed the DOJ's and the monitor's feedback was forwarded to the monitor and the DOJ on July 31, 2017. Programming was selected based upon which programs addressed the women's identified needs, had

research to support their use, and could be implemented within ADOC's facilities. If there were more than one program which fit this criteria, programs were selected based upon cost and ability to acquire any training needed by staff. Development of the resources to support the programs began immediately following the finalization of the proposal. Several new gender-responsive programs have been implemented at Tutwiler during this reporting period. **The Getting Ahead While Getting Out** program is a re-entry program designed to engage the offender, her family, volunteers, community and staff in problem solving for a successful transition to the community. To date, this program has produced 49 graduates and 37 more will graduate this August. The **Helping Women Recover** program is designed to treat addiction and utilizes the theories of women's psychological development and trauma. It addresses triggers for relapse, relationships, domestic violence, trauma, family issues and self-esteem. A total of 102 women have graduated from this program with another 59 set to graduate in August. The **Beyond Trauma Program** incorporates the latest research in neuroscience, trauma and post-traumatic stress disorder. It also incorporates cognitive behavioral techniques, mindfulness, expressive arts, and body oriented exercises. To date, this program has graduated 110 women and another 53 are set to graduate in August. The **Beyond Violence Program** focuses on emotional regulation of anger. It addresses both violence and trauma that women have experienced, and the violence they have perpetuated. To date, 60 women have graduated from this program and 48 more will graduate in August.

At the time of the June 2018 compliance visit, additional programs were scheduled to be introduced. **Active Adult Relationships** was implemented on June 11, 2018. This program teaches participants skills to include: communication, conflict

resolution, emotion management, making budgets, wise choices for friends, dating and marriage, recognizing personal strengths, and future planning. The evidence-based curriculum was written by Kelly Simpson at the Active Relationships Center. **Moving On** is scheduled to begin in August 2018. This evidence-based curriculum was written by Dr. Marilyn Van Dietsen at Orbis Partners, Inc. The program leverages both educational and cognitive skill building approaches to help women at risk of future criminal justice involvement find alternatives to criminal activity. The program supports women as they mobilize and build personal strategies, natural supports, and community resources. **Parenting Inside Out** will be implemented in October 2018. This program was developed by Dr. J. Mark Eddy and colleagues at the Oregon Social Learning Center and it is evidence-based. The program teaches parent management skills to incarcerated parents. It helps to promote healthy child adjustment, prevent problem behavior, and stop the intergenerational cycle of criminal justice involvement. **Family Days** are planned to begin in January 2019. This will involve extended visitation by family members combined with series of seminars about the programs the inmates are participating in and ways to support inmates during and after incarceration. In July 2018, a consultant to ADOC and Tutwiler will begin an evaluation of the new programming.

In addition, the Alabama Corrections Industries clothing plant is expanding and will create a minimum of 20 more job opportunities for women inmates once the expansion is complete.

#### *Inmate Education*

Incoming inmates receive the comprehensive orientation education within 14



days of admission to Tutwiler. The Institutional PREA Compliance Manager maintains comprehensive records of inmate attendance at these orientation sessions. The monitor has attended this orientation during previous compliance visits as schedules permit. The curriculum and training aids are well designed.

The Monitor encourages Tutwiler to consider expanding translation services beyond the use of Google Translate for Limited English Proficiency inmates.

#### *Inmates' Right to Privacy*

During this reporting period, the monitor received no complaints from inmates of inappropriate cross gender viewing or searching. One inmate did write to the monitor about Tutwiler's policy for showers for transgender/gender dysphoric inmates. The transgender inmates had been showering privately in the mental health stabilization unit, reportedly with no issues. This practice had to stop due to the growing population of inmates in the mental health unit. The practice was changed such that the inmates were advised to shower in their own housing units either one-half hour before or after the showers opened for general population. Reportedly, unit officers were not enforcing the showers times such that other inmates were entering the showers during the designated private showering times. The issue has been addressed and the transgender inmates are now showering privately in the Health Services Unit.

While touring during the June 2018 compliance visit, the monitor observed that appropriate privacy panels and shower curtains were in use in the shower and bathroom areas in inmate housing units. The monitor also witnessed staff consistently announce the presence of a male officer on the unit when needed.

*Inmate Polling*

The ADOC and Tutwiler established a system to routinely poll inmates regarding their perceptions of the implementation of the specific terms of the settlement agreement including: the prevalence of staff sexual abuse and sexual harassment; inmate vulnerability to sexual abuse and sexual harassment; the investigation and discipline of staff accused of sexual abuse and sexual harassment; the efficacy of inmate education regarding sexual abuse and sexual harassment; privacy in the showers and toilets; the appropriateness of inmate classification; the levels of staff supervision; the efficacy of the reporting systems for sexual abuse and sexual harassment including grievances; and official responses to and retaliation for, allegations of sexual abuse and sexual harassment. As agreed upon by the monitor, the DOJ, and the ADOC, The Moss Group, Inc. initially administered the survey quarterly for the ADOC. The initial inmate polling was conducted in July 2016, the Second Quarter Inmate Polling was held in October 2016, the Third Quarter survey was administered in January 2017, and the Fourth Quarter survey was administered in April 2017.

ADOC entered into a Memorandum of Understanding (MOU) with Auburn University on August 9, 2017 for the University to provide long term assistance with the administration of this survey. A copy of the MOU was provided to the DOJ and the monitor as was the University's draft protocol. Both the DOJ and the monitor reviewed and offered feedback on the protocol the University proposed using. This arrangement will institutionalize the inmate polling survey as a valuable tool for ADOC and Tutwiler in the future. The monitor fully supports this action. Auburn

administered the First Quarter (Year Two) survey of the poll's administration in November-December 2017. The report for this polling was submitted to the monitor and the DOJ on March 5, 2018. The Second Quarter (Year Two) survey was conducted March 19-22, 2018. The report for this polling was submitted on May 15, 2018. The Third Quarter (Year Two) survey was conducted May 21-23, 2018. The results of that polling are still pending and will be sent to the monitor and the DOJ when it is compiled.

The report of the Second Quarter (Year Two) polling survey is rich in data and much of the feedback is supported by what the monitor has observed in correspondence from inmates, a review of grievances, and a review of PREA-related investigations. For example:

- The women are gaining a better appreciation for WRNA's application and relevance. A total of 57% of the women agreed that they understood why they were in their current classification level.
- Two thirds of the respondents report knowing how to report sexual abuse. Clearly the inmate education piece has been effective.
- When asked if the programs and classes they have taken are useful, 74% agreed and 8% disagreed. The women appear to appreciate the value of the new programming.
- The majority of the respondents disagree that there is enough staff in the dorms.
- More than one-half of the respondents disagree that they trust the grievance system. This survey result is supported by the monitor's communications with inmates.
- Half the respondents report they disagree that inmates are disciplined consistently for violating rules about relationships with other inmates. This perception may, in part, be related to the implementation of the new SOP 8-30 *Behavior Intervention and Inmate Discipline*.

- A large majority of the women disagree that there is adequate privacy in the toilet and shower areas. This could be linked to a reported increase in drug activity. Both staff and inmates point to the bathrooms as the problem spots. The monitor did not identify a level of grievances corresponding to this polling data, but does note that an inmate suggested the need for a privacy panel in the toilet at the factory. The panel was installed by the maintenance staff.
- When asked if they had noticed positive changes at Tutwiler in the last year, 36% agreed they had and 30% disagreed, with 35% neither agreeing or disagreeing. In the monitor's conversations with inmates, it is a rare occurrence for a woman to disagree that there has been positive change at Tutwiler. In this instance, the survey data is at odds with the monitor's observations and random communication with inmates.
- The majority of women participating in the poll were not aware of staff members, contractors, or volunteers sexually harassing or sexually abusing inmates. However, 54% of respondents indicate awareness of verbal abuse toward inmates. This observation is supported by inmate conversations and grievances reviewed by the monitor.
- When asked if inmates use PREA to falsely report incidents against staff or other inmates, 60% agreed and 12% disagreed, with 28% neither agreeing or disagreeing. This allegation regarding the action of other inmates has been brought to the attention of the monitor during conversations and correspondence with the women and during the review of investigations.

The survey results are mixed. The majority of women report being informed about their rights and report being informed about the reporting systems in place and knowing how to report a problem should they experience one. However the majority of the women report they will be punished or retaliated against for reporting a PREA incident and a majority do not trust the grievance system. It is important that the Quality Improvement Team remain active in reviewing the survey results and any incidents, problematic areas in the facility, and any allegations of sexual abuse, sexual harassment or the use of unprofessional language by staff. The Team is encouraged to hold a deeper discussion about the kinds of changes in the system and processes that will be needed so that inmates consistently view the processes as useful and credible.

The *Tutwiler Tribune* is the inmates' newspaper. It includes essays, poems, interviews with staff, puzzles, horoscopes, etc. The May 2018 edition included a summary of some key results from the inmate survey. The results were presented using colored graphs and text. The monitor applauds the administration's sharing of the survey results with the inmate population.

#### *Quality Improvement and Data Collection*

Quality Improvement monthly meetings began in August 2016 and meet monthly and hold additional discussion and conduct analysis of all the incidents occurring over the previous thirty days, including any action plans that were developed. Meeting minutes are made available for the monitor's review. The monitor and the DOJ attorneys attended the Quality Improvement meeting held on June 7, 2018. The meeting was expertly chaired by Warden Wright, who guided a cross-section of Tutwiler staff through a comprehensive agenda that included in-depth analysis of all incident reports involving inmates as alleged victims of excessive use of force, sexual abuse or sexual harassment; video reviews of incidents; a video review summary of at least four randomly chosen shifts for a spot check of staff posting and work expectations; staff polling results; an update on staff to include gender of staff and posts assigned; a review of overtime usage; the use of leave time; reasons for any staff resignations; a review of any documented variations from the facility staffing plan; a review of inmate grievances; a review of medical and mental health grievances; and a review of inmate disciplinary reports. The monitor was especially impressed with Warden Wright's facilitation of the meeting and her assignment and tracking of outstanding issues and staff responsibilities; the frank

discussion and input from the Captains and other key staff; and the inter-disciplinary collaborative problem solving involving the medical, mental health and correctional staff. The Quality Improvement team demonstrated they are using the enormous amount of data that is collected and they are digging deep into it to identify opportunities to make improvements.

The ADOC and Tutwiler developed the Risk Management System (RMS) which is designed to track facility trends related to: (1) sexual abuse or sexual harassment; (2) unprofessional staff conduct involving inmates, including sexually explicit, vulgar, or degrading language; and (3) use of force incidents. The RMS is one element of Tutwiler's Quality Improvement Program.

In addition to the RMS data being reviewed at monthly Quality Improvement meetings, these data are reviewed and aggregated on a quarterly basis by the Warden at Tutwiler and the Deputy Commissioner for Women's Services. A quarterly review is conducted to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training. The quarterly reviews allow for: (a) the identification of potential patterns, changes, and problem areas, which includes problems in staffing levels, policies, practices, staff discipline system, and staff and inmate training/education; (b) the identification of staff or supervisors in need of retraining, performance plans and discipline; (c) the development of an array of intervention options to facilitate an effective response to problems; (d) taking corrective action on an ongoing basis; and (e) preparing bi-annual reports of its findings and corrective actions, including a comparison of the findings in previous reports to assess progress. The challenge for the administration is to integrate

and analyze all these data in a timely manner. The automation of the RMS system would support a more timely and robust review of the RMS data and trends, including mapping capabilities.

During this reporting period, ADOC has provided the monitor and the DOJ one bi-annual report listing all staff members identified through the RMS and any corrective action taken. The report covered the time period from May 27, 2017 - November 28, 2017. It was submitted to the monitor and the DOJ on February 28, 2018. This RMS report documented allegations against eighteen staff members for engaging in the use of profane, degrading, or insensitive language with inmates. Each of these incidents was reviewed, tracked, and corrective action was taken. All eighteen employees received formal policy reiteration memos. In most instances, the inmate's allegation could not be proven. Nevertheless, in all instances, a supervisor met with each staff member and reiterated Tutwiler policy and performance expectations. In the absence of conclusive proof, this administrative response is appropriate.

The monitor reviewed the RMS reports and attests that the ADOC and Tutwiler staffs have already demonstrated good use of RMS data and the results of the inmate polling survey. Both instruments document that a small number of Tutwiler staff use abusive and profane language towards the inmate population that undermines efforts to build a gender responsive and trauma informed environment. In previous reports, the monitors have recognized the need for staff interventions regarding the requirements for using professional language while addressing inmates. Addressing this issue is a top priority for the facility wardens. Warden Wright developed an interim intervention plan to eliminate “the unprofessional staff conduct involving inmates, including sexually

explicit, vulgar, degrading, or racially insensitive or offensive language”.

Deputy Commissioner Williams and the monitor have discussed the need for Warden Wright to continue to aggressively investigate these allegations and to hold staff accountable using progressive discipline, increased supervision and re-training. The monitor looks forward to receiving an update from ADOC and Tutwiler about their continuing efforts to eliminate the use of offensive and abusive language by staff.

Many of the Caucasian inmates who speak or write to the Monitor allege that African American staff are less strict with African American inmates. This creates a perception of favoritism that may create tensions along racial lines, especially when, as of June 30, 2018, fifty-six of the sixty-four officers working at Tutwiler are African American and nineteen of the twenty sergeants are African Americans. Also, many Caucasian women alleged that more verbal abuse was directed at them by African American staff than is directed toward African American inmates.

In response to inmates' allegations of racial discrimination, the ADOC and Tutwiler have arranged for staff to attend some specialized training. During the 2018 training year, all staff at Tutwiler will attend Racial Intelligence Training and Engagement (RITE). This training began in May 2018 and is being conducted by the ADOC Training Division, and the model includes emotional intelligence combined with social intelligence designed to unlock an individual's racial intelligence. This training was recommended by the Florida Department of Law Enforcement as a means of creating more professional officer/inmate relationships. The monitor looks forward to reviewing staff's evaluation of this training.

Pursuant to the settlement agreement, on an annual basis, ADOC and Tutwiler



shall conduct a documented review of the RMS to ensure that it has been effective in identifying concerns regarding policy, training, or the need for discipline. The ADOC and Tutwiler have already convened a panel to conduct a second annual review of the RMS data tracked from May 28, 2017 - May 26, 2018. Upon completion of the report, a copy will be provided to the DOJ and the monitor for review.

#### *Sexual Abuse/Sexual Harassment Allegations*

The monitor met with Mr. Arnaldo Mercado, Director of the ADOC's Investigation and Intelligence Division (I & I) to discuss and review completed investigations into allegations of staff-on-inmate sexual abuse/ sexual harassment and inmate-on-inmate sexual abuse investigations that occurred during this reporting period. There were three completed staff related PREA investigations during this reporting period. All three cases were determined to be unfounded as evidence did not support the allegation. Also, there were nine investigations into allegations of inmate-on-inmate sexual abuse. Five of these cases were unsubstantiated and three were unfounded. The outcome of one investigation is still pending. There were no PREA related incidents referred to the District Attorney during this reporting period. In each case reviewed, the monitor determined the investigation had been conducted in accordance with AR 454 and SOP 8-12, *Inmate Sexual Abuse and Sexual Harassment*. In conversations with the monitor, inmates expressed their confidence in Investigator Kelley Smith who conducts investigations into allegations of staff-on-inmate sexual abuse and sexual harassment as well as inmate-on-inmate sexual abuse, and the Institutional PREA Compliance Manager, Lt. Blanding who conducts investigations into inmate-on-inmate sexual harassment

allegations. During this reporting period, Lt. Blanding investigated four allegation of inmate-on-inmate sexual harassment. Three cases were unsubstantiated and one was determined to be unfounded.

The monitor reviewed the facility response to allegations and the management of the reporting inmates and alleged perpetrators. When appropriate, an adjustment of inmate housing and job assignments was considered to ensure the safety of all involved. In addition, Lt. Blanding closely monitors and documents any allegations of retaliation against those who report allegations.

The monitor notes there are multiple, effective means of reporting allegations of inmate sexual abuse and sexual harassment, including a grievance process and at least one confidential method. During this reporting period, a total of 880 grievances were filed. Of these, five were PREA related. Two involved allegations against staff. In one case, the inmate accused a correction officer of voyeurism. The camera footage did not support the allegation. In the other case, the inmate accused a correction officer of looking under her clothes. This incident involved the inmate's violation of the disciplinary code and as such was not grievable. Three of the PREA related grievances involved allegations against other inmates. Two alleged voyeurism in the shower areas and one alleged sexual harassment. The monitor reviewed each of these grievances and findings. ADOC and Tutwiler policy was followed and appropriate action was taken.

The inmates can use a toll free number to call the Alabama Coalition Against Rape (ACAR) for reporting. The agreement between the ACAR and the ADOC is that all calls are confidential, per ACAR policy. The ACAR agreed to suggest/encourage the inmates to use the ADOC and Tutwiler methods of reporting if their call was regarding

an allegation of sexual abuse or sexual harassment. There is no requirement for the ACAR to report to the ADOC, so the number of calls for this reporting period is unknown.

Third parties are permitted to assist inmates in filing requests for administrative remedies for allegations of sexual abuse and sexual harassment and are permitted to file such requests on behalf of inmates. If a third party files a grievance on behalf of an inmate and it relates to sexual abuse or sexual harassment, that report will be sent from the Institutional Grievance Officer to the ADOC PREA Director. If the grievance contains allegations of sexual abuse, or staff-on-inmate sexual harassment, the I & I division will investigate the allegation. If the grievance contains allegations of inmate-on-inmate sexual harassment, the Institutional PREA Compliance Manager will investigate.

The monitor reviewed the ADOC website link for the public regarding the ability to file a PREA report. It provides adequate instruction for the public's reporting use. During this reporting period, there were no third party PREA-related allegations reported via the website.

Inmates have at least one way to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials. The ADOC entered into an agreement with the Alabama Department of Economic and Community Affairs (ADECA) to take these reports. Inmates may make a report by dialing #66 and this can be done anonymously. The monitor reviewed the call log for the entire reporting period to review the nature of each call and the ADOC's response. A total of 25 calls were made to ADECA's hotline during this reporting period. Many of the

complaints made were not related to sexual abuse or sexual harassment. In each instance, the Tutwiler administration followed up on the allegations/complaints and the response was appropriate. At the monitor's request, the form used to track the nature of these calls was expanded to include more information detailing the actions taken by facility management.

During the facility tour, the monitor noted that information on how to report sexual abuse or sexual harassment is widely posted within the facility.

### **Alabama Strengths**

The monitor believes Alabama has a strong foundation for continued progress in reaching all of the goals outlined and compliance terms required in the settlement agreement. That strong foundation is a result of the following organizational strengths.

#### *Leadership from the Alabama Department of Correction*

The monitor believes Commissioner Dunn continues to provide the agency leadership for his staff and Tutwiler, directing and supporting successful implementation of the settlement agreement. In particular, ADOC central office leadership has played an important role in their continued working with Alabama's Parole Board to identify appropriate candidates for release on parole. In Summer 2018, the ADOC leadership will begin a collaboration with Alabama Pardons & Parole and the Alabama Sentencing Commission for the purpose of updating key agencies regarding the changes in the classification system and inmate programming at Tutwiler. In addition, Commissioner Dunn is strategically focused on developing the capacity of agency and facility leadership as a means to sustain and advance the progress made to date. In May 2018, an initial

leadership development course was presented for Tutwiler's mid-level supervisors. In October 2018, Tutwiler will present a leadership development refresher session for Tutwiler's management staff. Previously, Tutwiler's executive leadership team had participated in a leadership development program. Tutwiler's former Warden I, Adrienne Givens was promoted to Warden II at Montgomery's Women's Facility and Tutwiler's former Captain Lagreta McClain was promoted to Warden I at Tutwiler. Warden McClain retained her duties and responsibilities as the Settlement Coordinator for this Agreement. Both women have benefited from the Commissioner's focus on developing facility leadership and from Deputy Commissioner Williams' mentorship of them.

In June 2017, the monitor was advised by Associate Commissioner Matt Brand (Training and Development) that a regional training center dedicated for the training of line staff working in the women's facilities was being created in recognition of the gender-specific training agenda and curricula necessary for staff who work with women inmates. It became operational in May 2018.

During the June compliance visit, the monitor and the DOJ attorneys toured the new ADOC Women's Services Training Center. The ADOC repurposed a state-owned building, conveniently located next to Tutwiler, to create this training center. It provides a professional and appropriate setting for staff training. The monitor and the DOJ attorneys had an opportunity to sit in on a staff training program. All commented on the skill and enthusiasm of the trainer. Overall, Tutwiler is equipped with a solid training curriculum and the appropriately credentialed staff to deliver this training.

The monitor works closely with Deputy Commissioner Williams who oversees the ADOC's Women's Services Division. Dr. Williams communicates regularly with the

monitor regarding any developments of note occurring at Tutwiler relevant to the settlement's requirements. The monitor and the DOJ commend Deputy Commissioner Williams for her consistent and thoughtful leadership, actions taken and support given to the warden and staff at Tutwiler. Dr. Williams is the pivotal leader for the ADOC in managing their compliance with this settlement agreement.

The monitor also met with Ms. Christy Vincent, ADOC's PREA Coordinator, who oversees the work of the Institutional PREA Compliance Managers to discuss her oversight mechanisms, and the training she provides to the Institutional PREA Compliance Managers. Ms. Vincent also works with central office and facility staff to coordinate and schedule the facility PREA audits. Tutwiler's initial PREA audit was conducted in May 2016. The second official PREA audit cycle began in August 2016. Tutwiler's second PREA audit will be scheduled to be completed during the third year of this audit cycle. Preparations for the audit are underway.

While in Central Office, the monitor met with Mr. Arnaldo Mercado, Director of ADOC's Investigations and Intelligence Division; Ms. Kelley Smith, Tutwiler's investigator; Ruth Naglich, Associate Commissioner for Health Services; Dr. Edward Kern, ADOC's new Director of Psychiatry; and Mr. William Lawley, ADOC's Personnel Director. In addition to Commissioner Dunn and Deputy Commissioner Williams, all ADOC central office staff consistently demonstrated working knowledge of their settlement related responsibilities during their interviews with the monitor.

#### *Tutwiler Leadership*

The monitor continued to observe outstanding leadership by the facility wardens and the executive team at Tutwiler during this reporting period. During the monitoring

visit, Warden Wright provided an opening presentation to the monitor. Warden Wright participated in both formal and informal discussions with the monitor and demonstrated her leadership at Tutwiler during observed interactions with staff and inmates, most demonstrably during the monthly Quality Improvement meeting.

The monitor observed the dedication and commitment of supervisors and line staff at Tutwiler to follow policies to ensure sexual safety, in spite of staffing challenges, such as the number of vacancies.

For the last several years, Lieutenant (Lt.) Yvette Young served at Tutwiler's Institutional PREA Compliance Manager. Lt. Young performed her responsibilities consistently and documented all of her required responsibilities. Feedback from the inmates about Lt. Young's performance was overwhelmingly positive. She had the respect and trust of the inmate population. She earned a reputation for being professional, holding people accountable and being respectful and responsive to inmates' needs. The monitor was repeatedly told by inmates that Lt. Young followed up on her interactions with them, which the inmates appreciate, even when they didn't receive their desired outcomes. Lt. Young was promoted to Correctional captain at Birmingham Community Based Facility, effective February 16, 2018. Sgt. Emily Abbott had been understudying Lt. Young's role for some time and was prepared to assume the role and duties of Institutional PREA Compliance Manager when Lt. Young was promoted. In fact, Sgt. Abbott had accompanied Lt. Young to meetings with the monitor on a prior compliance visit to become familiar with the process. Sgt. Abbott's transition was seamless. Sgt. Abbott had been serving in this important role since Lt. Young's promotion, but elected to step down from this role , but will continue to serve as the back-up Institutional PREA

Compliance Manager for Tutwiler. Lt. Felisha Blanding assumed the role on May 16, 2018. Lt. Blanding was one of the original Regional PREA Coordinators for the ADOC from 2009 to 2013, and she served in that capacity for the female inmate population. She had been serving in the Training Division as a Training Supervisor for the last five years, where she continued to conduct staff training and education on PREA and related topics. Sgt. Abbott worked closely with Lt. Blanding to ensure a smooth transition. Lt. Blanding attended Institutional PREA Compliance Managers training conducted by ADOC's PREA Director in January 2018. She also attended PREA audit preparation training on April 30, 2018 with the Assistant ADOC PREA Coordinator. Ms. Christy Vincent, ADOC's PREA Coordinator also provided additional PREA training for Lt. Blanding by May 30, 2018. The administration has ensured continuity of services is maintained in this critical role. Lt. Young, Lt. Blanding and Sgt. Abbott were all fully available to the monitor during the June 2018 compliance visit to ensure a comprehensive review of documentation maintained by the Institutional PREA Compliance Manager and that all the monitor's questions were addressed.

The Institutional Grievance Coordinator also fills a critical leadership role at Tutwiler. For several years, Lt. Brian Coleman served in this capacity. He, too, maintained excellent documentation that was periodically reviewed by the monitor. Lt. Coleman has moved laterally to an administrative position. For several months, Ms. Tina Tyler, a civilian who had been serving as Tutwiler's American with Disabilities Administrator, understudied Lt. Coleman. She participated in the monitor's interview of Lt. Coleman during the previous compliance visit to become acquainted with the process. This, too, has been a seamless transition. Ms. Tyler's documentation is excellent and her



follow-through on issues is exemplary. The administration has ensured continuity in the performance of this critical function.

#### *ADOC Consultants*

The ADOC and Tutwiler continue to draw on and benefit from consultants' expertise in several specific areas. Specifically, expert consultants have participated with the ADOC in the development of the gender based classification plan and programming, the staffing analysis, the inmate polling/survey process, data collection, and the gender responsive review of draft policies and the provision of staff training and inmate education.

#### *ADOC Strategic Planning Committee*

The ADOC Strategic Planning Committee continues to meet once a quarter to review and guide the ADOC and Tutwiler's efforts for creating sustainability models/practices/tools for their operations, future plans and mission for women offenders in Alabama.

#### *Tutwiler Sexual Safety Culture*

Staff and inmates report to the monitor a respect for the settlement-related policies and practices and are knowledgeable about them. Most importantly, during formal interviews and informal conversations with the monitor, the women say they trust that leadership will act in their behalf if an incident of sexual abuse or sexual harassment occurs.

Tutwiler currently uses SOP 8-12 *Form A, PREA Risk Factors Checklist* to screen

all inmates for risk of victimization or abusiveness. This form was originally created in May 2014. After consultation with other states to get input on risk factors checklists in use elsewhere, the form was revised in January 2016. All inmates are screened within 72 hours of arrival. The process is conducted by the Classification staff. If an inmate is assessed as being at risk of sexual abuse or of being sexually abusive toward other inmates, a mental health referral is completed by the Classification Specialist, and that inmate will be interviewed by a mental health practitioner that day. Inmates are reassessed within 30 days of their arrival. The Institutional PREA Compliance Manager and Psychological Services actively follow up with any inmate who presents at risk of being sexually abused or sexually aggressive toward inmates. Consideration is given to the respective inmate's housing, bed, work, education, and program assignments. Placement and programming assignments for an inmate at high risk of sexual victimization are reassessed at least twice a year. Tutwiler has been in communication with The Moss Group, Inc. about working with the principle researchers at the University of Nebraska who worked on the PREA risk screening tools for the IOWA Department of Correction with the goal of revising Tutwiler's *PREA Risk Factors Checklist* to incorporate gender-responsive weights and measures into the screening tool.

### **Alabama Challenges**

#### *Tutwiler Facility*

The monitor continues to note the challenges that the prison's aging infrastructure presents for leadership. Specifically, options for program space, medical and mental health screening and treatment, housing placements, and the day room areas are severely

limited by the old design, aging infrastructure and overcrowding. The physical plant also impacts staffing requirements as it has a direct bearing on operations and the location of officer posts. The physical plant is sprawling and some housing and program areas are isolated, and poorly lit, impacting the number of posts and staff needed to support safe and secure operations.

### *Population Capacity*

Tutwiler's original design had an operating capacity of 350 and the annex was rated at 128. The daily count has historically been nearly double the facility's original capacity. Currently, the operational capacity is 700 for the main campus and 250 at the annex. On June 5, 2018 Tutwiler's total inmate population count was 868. At main Tutwiler, 620 beds were filled. At Tutwiler's annex, 249 beds were filled.

While a population reduction has provided relief for the intake dorm, the overall level of chronic population overcrowding continues to present challenges. Both the settlement requirement for the development of a gender based classification system and the development and implementation of gender-based programs at Tutwiler will be impacted by the overcrowding issues at Tutwiler. Specifically, plans will require the development of various housing options for separating groups of inmates, via the classification review process, that will be difficult to maintain as bed space must be allocated according to new placement criteria as it is implemented. In addition, the classification system will prescribe a number of program offerings that should be available for the inmates, based on a needs assessment. Currently, the space available for inmate programming is very limited. The staff have been creative and have converted and renovated every space possible to provide additional room for expanded programming.

The Tutwiler maintenance team is creative and hard-working.

*Staffing Challenges-Overall Vacancies and Recruitment and Retention of Women*

The monitor notes that the chronic, ongoing number of staff vacancies at Tutwiler presents a serious concern for leadership, staff and inmates, and could possibly impact the safety and security of the facility. In the first court report, the monitor noted a vacancy rate of almost 50% of authorized, funded positions. The recruitment and retention problems that lead to the high vacancy rate have continued. At the end of calendar year 2016, correction officers were at 41.8% staffing level. As of June 30, 2017, correction officers were at 38% staffing level. As of March 13, 2018 correction officers were at 33% staffing level. As of June 30, 2018, 40% of correction officer positions were filled.

To ensure adequate staff to fill key posts, Tutwiler leadership implemented a mandatory overtime policy at the end of 2016 to address critical vacancies because key posts must be staffed. Tutwiler relies on mandatory overtime to maintain functions. Correction officers, especially single parents, face challenges balancing family obligations with unscheduled, forced overtime demands. This can lead to an increase in staff members "calling out" sick as a means to obtain the needed time off. The reliance on overtime to staff critical functions is not a long term solution to the staffing shortfall.

Previously, the monitors have reported that this mandated overtime policy has caused stress and concern among the officers interviewed by the monitors during compliance visits. This situation continues to be an area of deep concern for staff, and according to staff interviewed during this and prior monitoring visits, it is adversely impacting staff morale. During some of the monitor's interviews, uniformed security staff

expressed concern about the impact of staff shortages, overtime and staff scheduling on staff morale. A decision was made to transition to the 8-hour shifts effective June 3, 2017. The monitor is looking forward to reviewing the next bi-annual staff report to review the impact this adjustment in shifts has had on forced overtime and call-outs.

The settlement requires the development of a professional staffing analysis (C.2), and for a plan to be presented to the ADOC and Tutwiler. The monitor has already discussed this analysis and draft plan in detail earlier in this report. The consultant's draft report noted the current vacancy rate has a significant impact on the development and implementation of a staffing plan.

Overall, recruitment and retention of women correction officer trainees remain a concern. The recruitment and hiring data underscore a system-wide issue with the application of the Alabama Peace Officers' Standards and Training Commission (Commission) physical standards to women candidates. Commissioner Dunn took an important first step in his outreach to the Commission by requesting them to consider a request to modify the administration of the Physical Agility/Ability Test (PAAT) academy training requirements for State Corrections Officer applicants. It was encouraging that the Commission approved the Commissioner's request to modify the administration of the PAAT which became effective January 2017. The revised Commission rules pushed the last PAAT attempt from the first week of the Academy training to week eight of the program. Because the PAAT had been moved to the end of the Academy, the ADOC discontinued the physical fitness assessments that were conducted on all correctional officer trainees during their pre-Academy assignment. The basic training academy Class 17-01, which began in February 2017, was the first class to

enter the academy under the new Commission rules regarding the physical agility/ability requirements. At the time, this change reportedly produced some promising results. The trainees who could not pass the PAAT in week one, including one of the women, all passed the test by week eight and all successfully graduated the Academy in May 2017. This was the first time in recent memory that no one, male or female, was removed from the basic training course for a PAAT failure. Despite, this promising development, during the monitor's December 2017 compliance visit, the DOJ and the monitor were advised that APOSTC was reverting back to holding the test in the first week. The Commission has agreed to allow ADOC to continue the eight-week administration through calendar year 2018. Absent any changes before January 2019, ADOC will have to resume pass/fail PAAT testing during the first week. It appears unlikely the Commission will reconsider their decision. Even if the ADOC expended the considerable sum of money it would take to accomplish this requirement, the ADOC would be powerless to implement them as they do not have statutory authority to set the standards and to certify Alabama's peace officers.

The Commission contracted with Auburn University at Montgomery (AUM) for the review of the validation study of their PAAT standards and to assess any disparate impact on women candidates. The Monitor and the DOJ received a copy of Auburn University's assessment from the ADOC on January 2, 2018. The report details several deficiencies in the 18 year old validation study. The Monitor remains unconvinced that there is a direct correlation between PAAT performance and job performance or other *current* job outcomes for corrections staff. Until such time as the validation of these standards for correction officers and evidence that the standards have been examined for

the necessity of gender-norming certain components is addressed or the terms of the Agreement modified, the Monitor determines "partial compliance" with this provision. The Auburn Report suggests an alternative validation approach may be warranted if adverse impact is ever a problem. The researcher argues that when women elect to retest, there is no adverse impact against them because "the pass rate improves when the number of attempts is very high. When given enough attempts it appears that almost every candidate who attempts every test will eventually pass one." The Commission appears to have given very little, if any, consideration to (a) the differences between police officer and correction officers jobs, (b) the extent to which job duties have changed in the last 18 years, and (c) the extent to which women candidates for correction officer positions engage in repeated retesting.

As the Monitor has opined previously, to the extent the ADOC could have helped shape AUM's review, the researchers should have been encouraged to review the physical training standards set for correction officers in other states/jurisdictions and gather information about Academy training standards, broken down by gender, as it relates to bona fide occupational qualifications for correction officers, rather than focusing solely on standards that apply to police officers. To the monitor's knowledge, AUM did not review the physical training standards established for other correction officers in other state jurisdictions.

The monitor discussed these chronic staffing issues with Associate Commissioner Brand, Deputy Commissioner Williams and Director Lawley. Associate Commissioner Matt Brand continues to oversee the correctional officer training and hiring processes, in addition to the physical fitness screening processes already discussed. On July 1, 2018,

Captain Karen Williams assumed the role of Recruiting Unit Director for the ADOC, working directly for Director of Training, Elliot Sanders. As previously described, the ADOC has increased recruiting efforts through advertising and other methods to attract new applicants. ADOC now has three full time recruiters working with Captain Williams. The advertising budget has been increased to support increased advertisements. The monitor looks forward to reviewing the Recruitment Plan for Tutwiler which is expected to be finalized in August 2018.

Tutwiler is also focusing on addressing employee retention. To that end, in addition to adjusting correction officer shifts from twelve hour to eight hour shifts, they have distributed job satisfaction surveys on a bi-annual basis, completed exit interviews with each staff person leaving Tutwiler, and participated in ADOC's statewide recruitment team. Tutwiler is also committed to supporting those who work in the Women's Services Division, specifically. Tutwiler is exploring strategies to increase workplace health and wellness for staff. There are plans to open an employee gym at the new Women's Division Training Center for use by staff.

## **Logistics**

### ***Compliance Visit***

The purpose of this June 2018 compliance visit was for the monitor to acquire information and observations to inform the sixth court compliance report. The monitor and Deputy Commissioner Williams worked together to finalize the tour agenda and interview schedule.



*Introductory Meeting /Presentation by Warden Wright*

Warden Wright provided an overview of progress made at the facility to the monitor and the DOJ at an opening meeting attended by Deputy Commissioner Williams and key members of Warden Wright's management team.

*Compliance Visit Interviews*

Throughout the week, the monitor held individual meetings and had multiple interactions with the following executive leadership and supervisory staff, including:

*Alabama Department of Correction*

- ADOC Commissioner Jefferson Dunn
- Dr. Wendy Williams, Deputy Commissioner for Women's Services
- Mr. Matt Brand, Associate Commissioner for Training and Development
- Ms. Ruth Naglich, Associate Commissioner for Health Services
- Dr. Edward Kern, ADOC Chief Psychologist
- Ms. Christy Vincent,, ADOC PREA Coordinator
- Ms. Anne Hill, Chief of Staff
- Ms. Mary-Coleman Roberts, ADOC Counsel
- Mr. Arnaldo Mercado, Director of ADOC's Investigations and Intelligence Division (I & I)
- Ms. Kelley Smith, I&I's Tutwiler investigator
- Mr. William Lawley, ADOC Personnel Director

*Tutwiler Prison for Women*

- Ms. Deidra Wright, Warden II

- Ms. Lagretta McClain, Warden I and Settlement Compliance Manager
- Lieutenant Yvette Young, Former Institutional PREA Compliance Manager
- Lieutenant Felisha Blanding, Current Institutional PREA Compliance Manager
- Sergeant Emily Abbott, Former Institutional PREA Compliance Manager and Segregation Supervisor
- Ms. Tina Tyler, ADA Coordinator/Inmate Grievance Coordinator
- Ms. Felicia Greer, Wexford's Tutwiler Mental Health Site Administrator
- Ms. Lynda Jackson, Wexford's Tutwiler Director of Nursing

The monitor also selected line staff members for individual interviews. These staff members were diverse in positions, race, length of experience in corrections, and gender. In general, the monitor asked about their awareness of the PREA reporting structure, investigations, the inmate grievance system and their recent PREA and gender responsive training, and their impressions of the new behavior intervention and inmate discipline program. Their concerns regarding staffing issues are addressed in the ADOC challenges section of this report.

During interactions with inmates from various housing dorms, the monitor used a set of questions regarding their knowledge of PREA policies, reporting of allegations, the grievance system, staff/inmate professional relationships, and the availability of reporting allegations using various phone lines. The women discussed incidents they observed of unprofessional conduct, their use of the grievance system, impressions of the new behavior intervention and inmate discipline program and their overall feeling of safety at

Tutwiler. Their responses are documented in the monitor discussion in various sections of the compliance report. Three topics were repeatedly raised by several of the women. They complained of a small group of officers using vulgar, degrading, or racially insensitive or offensive language. The women also expressed a great deal of frustration over the lack of consistency in practice between shift officers, especially in the housing units. The women also expressed a perception that racism was an issue and that officers treated inmates differently based upon race. The majority of the prison staff is African American and the majority of the inmate population is Caucasian. The women claim that African American inmates get preferential treatment. The monitor recognizes these issues are deeply embedded in culture.

#### *Facility Tours*

During the tour of the facility during the compliance visit, the monitor noted improvements to the physical plant and to the overall cleanliness of the physical plant. The management team has creatively repurposed or rehabbed every space possible to be used as program space. As programming options for the women expand, leadership will be challenged to maximize the use of available, appropriate space.

In each housing unit, the monitor noted the prominent posting of notices and information for inmates, including: a PREA Hotline notice, notice of a victim support line, PREA education materials, principles of gender responsive programming for women, and grievance and appeal forms.

Throughout the tour, ADOC and Tutwiler staff afforded the monitor the time, space and many opportunities to engage in private conversations with both staff and

inmates in housing and program units. Staff consistently demonstrated knowledge of sexual safety and their individual roles and responsibilities in this area. Generally, the inmates acknowledged and expressed appreciation for the positive changes at the facility. Feedback from the long termers, in particular, underscored that many women feel much safer at Tutwiler today.

Appreciating that the institutional climate and culture can be different shift to shift, the monitor and Dr. Williams conducted an unannounced night visit to the facility for the purpose of observing operations during the evening shift when top facility leadership are generally not on site. This visit was conducted on the evening of June 4, 2018. The facility climate was quiet and low-key.

During the June 2018 monitoring visit, the monitor also visited:

- Dorm K
- various other housing units, including the Mental Health Unit
- death row, and had an opportunity to meet with these women and discuss their individual awareness of policies addressing sexual abuse and sexual harassment, how to report allegations, and the use of the grievance system
- the segregation unit and talked with the two inmates housed there
- the mental health stabilization unit and spoke with some of the inmates housed there
- the infirmary, clinic area
- shift commander's office
- many administrative offices
- program space

- the video operations in the camera room and discussed the operation with the operator on duty
- Women's Services Training Center

While work on the youthful offender trailer was completed on October 20, 2016 making it ready for occupancy and providing designated placement for this specialized population, Tutwiler did not receive any youthful offenders during this reporting period, so this unit was again vacant during the monitor's June 2018 visit.

#### *Document Review*

In addition to the interviews and discussions with staff and the tours of Tutwiler, the monitor reviewed a wide variety of documents, correspondence, records and staff reports. These documents are listed in the "Measures of Compliance" box in the audit tool for each section. The monitor reviewed most of these documents prior to her visit, and reviewed some documents on-site during the visit. In addition, the monitor made additional follow-up requests for documents and these were sent to her after the visit. Attachment A to this report lists documents reviewed by the monitor prior to, during, and after the compliance visit.

The monitor showed various documents to staff during the interviews, for their authentication and comment. The monitor also reviewed multiple documents maintained by Warden McClain, Lt. Blanding and Ms. Tyler while conducting formal interviews with them. The monitor recognizes the time and commitment these individuals expend to maintain the level of detailed documentation required to demonstrate compliance. The ADOC and Tutwiler team continues to maintain impressive records.

The monitor referred to specific documents for each set of requirements in the audit tool report, in the monitors' discussion of ADOC compliance with the section.

*Exit Debriefing with ADOC Leadership*

The monitor and Deputy Commissioner Williams had debriefed each day of the compliance visit, so Deputy Commissioner Williams, the monitor, and the DOJ conducted an abbreviated exit meeting at the conclusion of the compliance visit, where the monitor made a request for some additional documents.

***Monitoring Tool***

The parties had previously agreed on a "monitoring tool" format for each of the settlement provisions and their subsections. The front page of each provision in the tool includes both the specific requirements for that section and the dates for the ADOC's compliance. The settlement provides, for most requirements, that the ADOC: create a policy; train staff in that policy; and implement the policy in the regular activities at Tutwiler and the ADOC. Specifically, an approved ADOC policy must first be published for operational practice in a facility. At Tutwiler, the facility develops written "Standard Operating Procedures" (SOP) to apply the ADOC policy to direct specific operational practices at the prison. The second step is to train all staff subject to the policy and SOP using an approved training curriculum. The third step is to then implement and document compliance with these policies and SOP's in the actual practice of the directives at the facility.

The monitor evaluated each section and its specific requirements through interviews with inmates and ADOC and Tutwiler staff; document review; announced and unannounced facility tours; on-site observations (orientation, dorm activities, inmate

movement, camera room operations); communication with the parties through calls and emails; and a review of previous Compliance Reports. The monitor documents her findings for each section in the report's "Monitor's Discussion" and chooses the rating corresponding to her assessment of the ADOC and Tutwiler's level of compliance. Prior to conducting the very first monitoring visit, initial Monitor Jennie Lancaster had established the "Measures of Compliance" for each provision and identified the documents and interviews to be used to assess compliance. The ADOC submitted the documents prior to the visit, and drafted an interview agenda and touring schedule for the monitoring visit. During the transition of monitoring responsibilities from Ms. Lancaster to Ms. Dennehy in August 2016, Monitor Dennehy committed to using the same process, measures and documents, but reserves the option to revisit and amend these measures to facilitate monitoring going forward.

The monitor completed this report and the monitoring tool through the following actions:

- 1) Examining the settlement agreement, its provisions, and the specific requirements listed in the monitoring tool.
- 2) Requesting and examining specific documents to identify and assess the extent of the ADOC and Tutwiler actions in response to the agreement requirements. Examples include: ADOC policies and Tutwiler standard operating procedures; training curricula; staff rosters for training; staff reports and spreadsheets to document actions; inmate grievances; investigations; and meeting minutes.
- 3) Selecting specific ADOC and Tutwiler staff for compliance interviews based

on the individual's overall and direct responsibilities for settlement implementation.

- 4) Conducting interviews with selected line staff to obtain feedback and perspective on Tutwiler activities and practices related to the settlement terms and requirements.
- 5) Conducting individual interviews with selected inmates to obtain feedback and perspective on Tutwiler activities and practices related to the settlement terms and requirements.
- 6) Engaging in spontaneous, private conversations with both staff and inmates in housing and program areas during monitoring visits.
- 7) Reviewing letters submitted confidentially to the monitor from inmates and conducting interviews with seven inmates to follow-up on issues raised in their correspondence received by the monitor.
- 8) Using routine communication with the parties, prior to, during, and after the visit to ask for more information or clarification regarding the settlement, its terms and requirements and determinations of compliance.
- 9) The monitor sent the first draft report to both parties on July 18, 2018. The agreement allows for a two-week period of review by both parties. The monitor received comments from the DOJ and the ADOC and reviewed the comments of both parties, in each section, and took them into consideration in her final revisions to the report.
- 10) The monitor will submit the completed set of audit tool report, the narrative summary and attachments, to the court by August 28, 2018.



## **Summary of Compliance**

"Compliance" is discussed throughout the agreement and this report in the following terms: substantial compliance, partial compliance, and non-compliance. "Substantial Compliance" indicates that the ADOC and Tutwiler have achieved material compliance with most or all components of the relevant provision of the settlement agreement. "Partial Compliance" indicates that the ADOC and Tutwiler have achieved material compliance on some of the components of the relevant provision of the settlement agreement, but significant work remains. "Noncompliance" indicates that the ADOC and Tutwiler have not met most or all of the components of the relevant provision of the settlement agreement. "Material Compliance" requires that, for each provision, the ADOC and Tutwiler have developed and implemented a policy incorporating the requirement, trained relevant personnel on the policy, and relevant personnel are complying with the requirement in actual practice.

## **Closing Observations**

The monitor appreciates the high level of cooperation she continues to receive from all parties during the monitor compliance visits. The monitor also appreciates the level of cooperation and responsiveness of the ADOC and Tutwiler staff during this entire reporting period. The monitor made requests for documents or information and they were always processed in a thorough and timely manner.

The monitor sees continued progress by the ADOC and Tutwiler and is impressed by leadership's commitment to fully implement the settlement and evidence-based gender

specific practices at Tutwiler. Leadership also demonstrates a commitment to quality improvement. The monitor recognizes the time and commitment needed to maintain the level of detailed documentation required to demonstrate compliance. The ADOC and Tutwiler team continues to maintain impressive records. More importantly, leadership is using this information and data to monitor and improve practice and create a culture at Tutwiler that reflects awareness of policies designed to address sexual abuse and sexual harassment, with the inmates respecting the accountability practices demonstrated by the leadership and staff, in general.

**Attachment A:**  
**List of Documents Used for Compliance Report**

*Monitor's note: the monitor also reviewed some documents, not listed below, that were received/reviewed for the compilation of the previous compliance reports.*

- Inmate Survey and Polling Plan
- First Quarter Inmate Survey Results
- Second Quarter Inmate Survey Results
- Third Quarter Inmate Survey Results
- Fourth Quarter Inmate Survey Results
- First Quarter Inmate Survey Results (Year Two)
- Second Quarter Inmate Survey Results (Year Two)
- Auburn University's MOU with ADOC
- Auburn University's Polling Proposal (draft)
- Tutwiler PREA Incident Review Committee reports, January-June 2018
- Tutwiler Risk Management System spreadsheet, January-June 2018
- Risk Management System Summary
- Quarterly Risk Management System Data Review
- Spreadsheet of Staff Identified in Risk Management System -Corrective Action Taken
- Annual assessment of the Risk Management System, December 2017
- Log of unannounced rounds by supervisors
- Monthly Grievances, January-June 2018-randomly selected
- All PREA-related inmate grievances, January-June 2018
- Tutwiler spreadsheets documenting inmate disciplinary infractions, January-June 2018
- Gender Responsive Classification Policy
- ADOC Women's Services Classification Instruction Manual (draft)
- Tutwiler PREA risk factors checklists
- Tutwiler PREA risk re-assessments checklists (30-day reassessment)
- Tutwiler ADOC mental health referrals to Wexford for PREA assessments
- Tutwiler mental health treatment notes for initial PREA assessments
- Spreadsheets/logs for the classification checklists
- Update on progress of the pilot administration of the WRNA and any data collected.
- WRNA Validation Committee's agenda, notes, and PPT
- WRNA Validation Project Proposal
- Intake Unit inmate movement sheets
- Intake Unit Receiving Log
- Intake Unit quarterly workgroup meeting minutes
- Dorm Representatives Meeting Minutes
- Tutwiler Bed Count Roster for June 5, 2018
- ADOC's Classification PREA risk referral log

- Wexford new employee orientation Manual
- Wexford new Staff Orientation "On-boarding" training curriculum and manual
- Wexford staff training records, including post tests for oldest and newest employees.
- Wexford PREA policy
- Wexford staff training records
- Wexford PREA sexual assault allegations log
- Wexford PREA inmate evaluation log
- Wexford inmate grievance log
- Tutwiler ADOC and Wexford mental health staff meetings minutes - January-June 2018
- Tutwiler Classification PREA Risk Referral Log
- Draft Administrative Regulation 637-Gender Dysphoria Disorder
- Gender Identify Committee Review Meeting, Tracking Log
- Completed and published PREA audit, May 2016
- Communications log maintained by Lt. Blanding, regarding calls, emails, etc. with ADOC PREA Coordinator Vincent
- Bi-monthly PREA reports from Lt. Blanding to ADOC PREA Coordinator Vincent
- PREA #66 hotline calls log, maintained by Institutional PREA Compliance Manager for January-June 2018
- Monthly spreadsheet of calls made to ADECA
- Notification to inmate population regarding availability of hotline
- Copies of Random Inmate Interviews conducted by Lt. Young to monitor reporting culture for January-June 2018
- Training rosters maintained by Lt. Blanding for January-June 2018
- PREA training documentation for the private transport security staff
- Training documentation for Tutwiler staff, contractors, volunteers, overtime staff in SOPs
- PREA & Gender Responsive Refresher Training Facilitator Guide
- Randomly selected training evaluations from Tutwiler staff attending the required PREA (SOP 8-12) and gender responsive training
- Log of Pregnant Inmate Intake maintained by Institutional PREA Compliance Manager
- Pregnant Inmate Intakes Statements maintained by Institutional PREA Compliance Manager
- Tutwiler "inmate on inmate harassment" allegation investigations, completed by Lt. Blanding January-June 2018
- Tutwiler inmate education session attendance logs for January-June 2018
- Final Inmate Orientation Guide
- Certification of completion of inmate education on the new Women's Services Classification Manual
- Engaging Women in Trauma-informed Peer Support: A Guidebook
- Copies of Gender Responsive Women's Programs Work Group agenda, notes and

PowerPoint presentation

- Women's Services Handbook (draft)
- Tutwiler camera room surveillance logs, January-June 2018
- Tutwiler annual assessment of the camera operations - November 2017
- Tutwiler Gender Responsive Staffing Analysis and plan
- Tutwiler staffing updates for January-June 2018
- ADOC Recruitment and Retention data, January-June 2018
- Auburn University's study of Physical Agility Ability Testing (PAAT) ,conducted for the Alabama Peace Officers' Standards and Training Commission, December 2017
- Tutwiler staff discipline: January-June 2018
- Abusive and Profane Language Intervention Plan
- Tutwiler shift duty rosters (noting overtime staff)
- Tutwiler list of currently approved overtime employees
- Periodic Staff Overtime Reports
- Social Service Caseworker lateral transfer announcement approving the filling of positions
- Randomly selected Tutwiler shift dorm assignment logs
- Correctional Officer Trainee, "Physical Fitness training "assessments/ reports, January-June 2018
- ADOC reports for the staff physical fitness exams results, from the academy, for January-June 2018 broken down by gender
- Inmate correspondence received by the monitor during January-June 2018
- PREA-related investigations, completed by ADOC I+I, January-June 2018
- SOP 8-30, *Behavior Intervention and Inmate Discipline (draft)*
- Implementation plan for SOP 8-30 *Behavior Intervention and Inmate Discipline*
- Curriculum for the specialized "investigator " training
- SOP 8-24 *Disciplinary Segregation*

**Attachment B:**  
**List of Tutwiler's Standard Operating Procedures (SOPs)**

This is a listing of all of the ADOC and Tutwiler policies provided to the monitors to date. During the previous reporting period, the initial monitor received and reviewed 63 new and revised SOP's for Tutwiler. The monitor reviewed the drafts, provided comments on each to ADOC and received the final ADOC published copies.

<b>SOP</b>	<b>TITLE</b>
1-1	Mission
4-1	Warden III
4-2	Assistant Wardens, Warden II & Warden I
4-3	Correctional Captains
4-4	Lieutenants & Sergeants - Shift Supervisors
4-5	Correctional Officers & Trainees
5-00	Dormitory Security SOP
5-01	Dormitory A Post Order
5-02	Dormitory B Post Order
5-03	Dormitory C Post Order
5-04	Dormitory D Post Order (Health Care Unit)
5-05	Dormitory F Post Order
5-06	Dormitory G & J Post Order (South Hall II)
5-07	Dormitory I Post Order (South Hall III)
5-08	Dormitory K&M Post Order (Death Row) (South Hall I)
5-09	Dormitory L Post Order (Segregation Unit)
5-10	Dormitory H Post Order (Mental Health Unit)
5-11	Dormitory N / O Post Order (Annex)
5-12	Annex Back Gate Post Order
5-14	Tutwiler Back Gate Post Order
5-18	Sewing Factory Post Order
5-20	Trade School Security Post Order
5-21	Kitchen Officer and Chief Steward Post Order
5-22	Laundry Post Order
5-23	Gender Specific Posts
6-2	Referrals to Mental Health Services
6-4	Reception Mental Health Screening
6-6	Crisis Intervention
6-9	Mental Health Observation and Suicide Watch Procedures
6-11	Closed Residential Treatment Unit (CRTU)
6-12	Mental Health Unit Dormitory H Stabilization
7-3	Institutional Security, Sanitation, & Safety Inspections

<b>SOP</b>	<b>TITLE</b>
7-7	Searches
7-8	Use of Force
7-9	Inmate Count Procedures
7-10	Emergency Medical Treatment
7-12	Evacuation of Inmates in Specialized Housing
7-14	Inmate Pregnancy
7-17	Security Threat Groups
7-19	Inmate Visitation Privileges
7-20	Aid to Inmate Mothers Visitation Criteria
7-29	Employee / Inmate Relationships
8-1	Reception and Orientation: Receiving Rules
8-3	Inmate Transports
8-5	Controlled Movement
8-12	Inmate Sexual Abuse and Sexual Harassment
8-13	Inmate Control Systems (ICS)
8-14	Inmate Personal Property
8-17	Tutwiler Inmate Photographs
8-18	Inmate Drug Screening
8-19	Youthful Inmates
8-22	Inmate Grievance Procedures
8-23	Administrative Segregation
8-24	Disciplinary Segregation
8-27	Hygiene Item Issuance
8-28	Death Row Unit-M
8-29	LGBTI Inmate Population
8-30	Behavior Intervention and Inmate Discipline
8-31	Hair Grooming
9-5	Overtime / Mandatory Overtime Work
9-6	Staffing Plan
9-7	Private Transportation Security Agents
9-9	Employee Standards of Conduct & Discipline
9-16	Institutional PREA Compliance Manager
11-1	Data Collection and Quality Improvement

**Attachment C: Summary of Compliance**



Requirement		Description				Compliance			
		Substantial Compliance	Partial Compliance	Non-Compliance	N/A				
III.A. GENERAL POLICIES AND PROCEDURES									
	ADOC and Tutwiler shall comply with all provisions of PREA.								
A. 1	ADOC and Tutwiler shall continue to comply with the ADOC's written policies and procedures mandating zero tolerance toward all forms of sexual abuse and sexual harassment.	X							
	This agreement takes precedence over any ADOC and/or Tutwiler policy governing the operation of Tutwiler that may conflict with this agreement.								
A. 2	Shall develop; submit to the Monitor and DOJ for review consistent with III.A.6; and implement policies and procedures regarding the management of lesbian, gay, bisexual, transgender, intersex, and gender nonconforming inmates. The policy shall emphasize the rights of lesbian, gay, bisexual, transgender, intersex, gender nonconforming and gender dysphoric inmates to a safe, non-discriminatory and respectful environment.	X							
A. 3	Continue to comply with ensuring women receive essential supplies, including hygiene and feminine hygiene products, tampons and pads; linens; and uniforms by making them available on a monthly basis or more frequently as needed. The policy will continue to require the tracking and distribution of these products. ADOC and Tutwiler will continue to ensure that both tampons and sanitary pads are readily available, free of charge, to Tutwiler inmates.	X							
A. 4	Shall develop and implement policies and procedures that incorporate gender-responsive strategies, including policies and procedures governing the use of force against women inmates and discipline of women inmates		X						
A. 5	Shall continue to develop, submit to the Monitor and DOJ for review consistent with III.A.6, and implement facility-specific policies and operational practices specific to Tutwiler's population regarding the supervision and monitoring necessary to prevent inmates from being exposed to unreasonable risk of harm from sexual abuse and harassment.	X							
III.B. CAMERA MANAGEMENT									
B. 1	Camera management policies and procedures will remain in effect at Tutwiler	X							
B. 2	Camera management policies and procedures, including the locations where cameras have been placed, will be reviewed at least annually to ensure they are serving their goal of maximum supervision.	X							
III.C. STAFFING									
C. 1 (i)	ADOC and Tutwiler shall continue to develop, submit to the monitor and DOJ to assess for compliance with this agreement and implement its plan to recruit women correctional officers at Tutwiler		X						
C. 2	In order to address low staffing levels and the need for more women officers, ADOC and Tutwiler shall ensure that correctional staffing and supervision is sufficient to adequately supervise inmates and staff and allow for the safe operation of Tutwiler.		X						
III.D. TRAINING									
D. 1	ADOC and Tutwiler shall train all staff who may have contact with inmates with the following:	X							
D. 2	Within six months of the Effective Date, all staff shall have received training as set out in Section III.D.1	X							
D. 3	ADOC and Tutwiler shall provide annual refresher training to all staff	X							
D. 4	The Monitor will work with ADOC and Tutwiler in drafting new training materials and/or revising current training materials set out in III.D.1 and III.D.3	X							
D. 5	ADOC shall certify and document to Tutwiler's PREA Compliance Manager, the Department-wide PREA Coordinator, the Monitor, and DOJ, that all staff have been trained	X							
III.E. INMATE EDUCATION									

Requirement	Description	Compliance			
		Substantial Compliance	Partial Compliance	Non-Compliance	N/A
E.1,3,6,7	(Inmate Education: Intake) 1. ADOC and Tutwiler shall ensure that, during the intake process, all inmates receive information regarding the following (listed below): 3. Current: Tutwiler inmates will receive the information and education described in III.E.1 within three months of the Effective Date (by August 28, 2015). 6. Consistent with current policy, ADOC and Tutwiler shall ensure that the information outlined in III.E.1 is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills. 7. ADOC and Tutwiler shall provide the Monitor and DOJ for their review consistent with Section III.A.6 any materials or curriculum utilized to satisfy the requirements of III.E.1	X			
E.2,3,4,5,6,7,8	(Inmate Education: Comprehensive) 2. Within 14 days of intake, ADOC and Tutwiler shall provide comprehensive orientation education to inmates either conducted in-person or through a video presented by an in-person facilitator regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents. 3. Current: Tutwiler inmates will receive the information and education described in III.E.2 within three months of the Effective Date (by August 28, 2015). 4. ADOC and Tutwiler shall ensure that the individual conducting or facilitating the comprehensive inmate educational orientation is trained on Tutwiler's and ADOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and this Agreement. 5. The individual conducting or facilitating the comprehensive inmate orientation education shall remain in the room during the entire orientation and shall monitor the inmates for reactions to and understanding of the information. A mental health practitioner will serve as an advisor to the orientation process and services will be available during the orientation process if indicated. 6. Consistent with current policy, ADOC and Tutwiler shall ensure that the information outlined in III.E.2 is conveyed and made available in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to inmates who have limited reading skills. 7. ADOC and Tutwiler shall provide the Monitor and DOJ for their review consistent with Section III.A.6 any materials or curriculum utilized to satisfy the requirements of III.E.1 8. ADOC and Tutwiler shall maintain documentation of inmate participation in the education sessions required by III.E.2.	X			
<b>III.F. GENDER-RESPONSIVE CLASSIFICATION</b>					
F.1	Within two months of the Effective Date, ADOC and Tutwiler shall convene a working group to evaluate methods to decrease or eliminate Tutwiler's use of Dorm A for a period of time that exceeds 48 hours while screenings are completed, including an examination of the necessity of PAP test and/or other medical, mental health, or intellectual test results prior to classification and failures to provide adequate continuity in medical and mental health care to Dorm A residents	X			
F.2	Within six months of convening of the working group, ADOC and Tutwiler shall retain an expert in gender responsive assessment and classification.	X			
F.3,4	3. The approved plan for implementation of the classification system shall be managed by an implementation workgroup and completed within two years of the approval of plan 4. The system shall provide programs that incorporate gender responsive principles and address the needs of women inmates at Tutwiler, including those addressing sexual abuse, sexual harassment, and trauma; domestic violence; dating violence; and medical and mental health care.				X (not due until 3/28/2019)
<b>III.G RISK ASSESSMENT</b>					
G.1	ADOC and Tutwiler shall continue to utilize a risk assessment instrument to screen for risk of victimization and abusiveness	X			

Requirement	Description	Substantial Compliance	Partial Compliance	Non-Compliance	N/A
G.2,3	<p>2. Inmates at high risk for sexual victimization shall not be placed in involuntary segregation housing due to their high risk of victimization 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. Such an assessment and determination shall be documented, explain the basis for Tutwiler's concern for the inmate's safety and the reason why no alternative means of separation can be arranged. A review of such determination must be afforded each inmate at least every 30 days to determine whether there is a continuing need for separation from the general population.</p> <p>3. Inmates placed in segregated housing Due to potential victimization shall, to the extent possible, have full access to programs, privileges, education, and work opportunities as inmates in general population housing.</p>	X			
<b>III.H. INMATES' RIGHT TO PRIVACY</b>					
H.1	(Cross-Gender Searches : ADOC and Tutwiler shall continue to comply with its policy regarding cross-gender pat and strip searches	X			
H.2	<p>2.i Cross- Gender Viewing: ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section A.III.6, and implement policies and procedures that enable inmates to perform bodily functions – such as showering, bathing, and using the toilet – and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances of when such viewing is incidental to routine cell checks</p> <p>2.ii ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A., and implement policies and procedures regarding the method of conducting inmate counts. This policy and procedure shall limit inmate movement during inmate counts and shall prohibit the practice of conducting inmate counts while inmates are likely to be in the shower and toilet areas</p> <p>ADOC and Tutwiler shall continue to implement its plan to address the architectural features that contribute to a lack of privacy for inmates while showering or using the toilet</p>	X			
H.3	ADOC and Tutwiler shall continue to implement its plan to address the architectural features that contribute to a lack of privacy for inmates while showering or using the toilet	X			
<b>III.I. REPORTING ALLEGATIONS OF SEXUAL ABUSE AND SEXUAL HARASSMENT</b>					
I.1	ADOC and Tutwiler shall continue to comply with its policy on reporting allegations of sexual abuse and sexual harassment. Any modification of that policy shall be submitted to DOJ and the Monitor for review consistent with Section III.A.6. ADOC and Tutwiler shall provide multiple internal methods, including a grievance process and at least one confidential method, for inmates to report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.	X			
I.2,3	2. ADOC and Tutwiler shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request. The method provided should be through a toll-free number or other method as agreed to by the Monitor and DOJ.	X			
I.4,5	<p>3. ADOC and Tutwiler shall provide a method for staff to confidentially report sexual abuse and sexual harassment of inmates</p> <p>4. Third parties shall be permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and sexual harassment, and shall also be permitted to file such requests on behalf of inmates</p> <p>5. All third party reports of sexual abuse and sexual harassment shall be forwarded immediately to the Departmental PREA Coordinator and be investigated and processed in accordance with Policy. As part of this process, the Departmental PREA Coordinator will inform Tutwiler's PREA Compliance Manager of all third party reports received.</p>	X			

Requirement	Description	Compliance			
		Substantial Compliance	Partial Compliance	Non-Compliance	N/A
I.6, 6.viii	6. Grievances: ADOC and Tutwiler shall continue to develop and submit policies and procedures for an inmate Grievance System to the Monitor and DOJ for review within three months of the effective date and, within four months of the effective date, implement the inmate Grievance System. This policy shall clearly prohibit retaliatory practices by staff against inmates who file a grievance and should include the requirements listed in III.I.6.ii-ix  6.viii ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6, and implement policies and procedures for the filing of an emergency grievance where an inmate is subject to a substantial risk of imminent sexual or physical abuse	x			
I.7,8,9	7. ADOC and Tutwiler shall require all employees to report immediately: Any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment that occurred in Tutwiler, in transport vehicles, or in any off-site facilities under the control and supervision of ADOC or Tutwiler; Retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.  8. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.  9. ADOC and Tutwiler shall report all allegations of sexual abuse and sexual harassment, including third party reports, anonymous reports, and inmate grievances, to Tutwiler's or ADOC's designated investigator	x			
I.10.i	Protecting Inmates and Staff from Retaliation: i. Consistent with ADOC policies, ADOC and Tutwiler shall protect all inmates and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate Tutwiler's PREA Compliance Manager with monitoring allegations of retaliation concerning inmates. Allegations of retaliation against employees will be investigated and processed in accordance with ADOC personnel policy.	x			
<b>III.J. OFFICIAL RESPONSE TO AN ALLEGATION OF SEXUAL ABUSE AND SEXUAL HARASSMENT</b>					
J.1	When ADOC or Tutwiler learns that an inmate may be subject to a substantial risk of imminent sexual abuse, ADOC or Tutwiler shall take immediate action to protect the inmate.	x			
J.2	ADOC and Tutwiler shall continue to comply with Policy and Tutwiler Standard Operating Procedures to coordinate actions taken in response to an allegation of sexual abuse, among first staff responders, medical and mental health practitioners, investigators, and Tutwiler leadership, including time frames and lists of whom staff should report to in specific situations and guidelines regarding the collection of physical evidence.	x			
J.3,6	3. ADOC and Tutwiler shall respond to reports of sexual abuse and sexual harassment or threats of sexual abuse or sexual harassment without regard to an inmate's known or perceived sexual orientation or gender identity.  6. ADOC and Tutwiler shall not place in protective custody an inmate who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of protecting that inmate, unless a determination, documented in writing and reviewed by the PREA Compliance Manager or the Warden's designee within 24 hours, has been made that there is no available alternative means of separation from likely abusers.	x			

Requirement	Description	Compliance			
		Substantial Compliance	Partial Compliance	Non-Compliance	N/A
J.4,5	4. The written institutional plan shall include procedures that address how staff respond upon learning of an allegation that an inmate was sexually abused; described below  5. If the first staff responder is not a security staff member, the responder shall be required to request the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.	X			
J.7	To the extent they do not already exist, ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement policies and procedures to provide access to medical and mental health services to women identified as potential or actual victims of sexual abuse and sexual harassment, that occurred either at Tutwiler or elsewhere, including the following:	X			
<b>III.K REFERRALS AND INVESTIGATIONS</b>					
K.1,2	1. ADOC investigators shall continue to investigate allegations of sexual abuse or sexual harassment consistent with their authority as criminal investigators and consistent with Policy and Alabama law. Completed investigations of sexual abuse and sexual harassment will be referred to local prosecutors as appropriate. 2. When ADOC conducts its own investigations into allegations of sexual abuse or sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third party and anonymous reports. Administrative investigations shall be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by ADOC	X			
K.4	ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement guidelines for the immediate initiation of an investigation and/or review upon learning of an allegation of sexual abuse or sexual harassment and develop a process for monitoring those guidelines. The guidelines shall also ensure that investigations that include any allegations of sexual abuse or sexual harassment are properly labeled as such.	X			

Requirement	Description	Compliance			
		Substantial Compliance	Partial Compliance	Non-Compliance	N/A
K.3,5,7,8,9,10	<p><b>Investigators</b></p> <p>3. The use of pre-hearing segregation shall be limited to inmates whose continuing behavior is a threat to facility safety, or who will not stop the prohibited behavior. Such pre-hearing segregation shall not be used for more than 72 hours, at which time an inmate must be afforded a disciplinary hearing, or provided a written explanation of why the hearing is postponed and when the hearing will be re-scheduled.</p> <p>5. Where sexual abuse or sexual harassment is alleged, ADOC shall use investigators who have received special training in institutional sexual abuse and sexual harassment investigation. Specialized training shall include 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. ADOC shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The Department-wide PREA Coordinator and Tutwiler's PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.</p> <p>7. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. ADOC or Tutwiler are prohibited from offering or administering polygraph examinations or other truth-telling devices to an inmate who alleges sexual abuse or sexual harassment.</p> <p>8. ADOC shall issue a written investigative report within 30 days after the conclusion of a sexual abuse or sexual harassment investigation that indicates whether the allegation is substantiated, unsubstantiated, or unfounded. The investigator may request in writing, approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation. In no case shall the investigation be unfounded solely due to the expiration of the 30 days. The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.</p> <p>9. ADOC shall work with the Monitor on ensuring that an investigative summary sheet that provides an overview of the current status of an investigation is included. The summary information should include, among other things, basic information such as staff name(s), prisoner name(s), location of incident, and the time of day.</p> <p>10. The departure of the alleged perpetrator or victim from the employment or control of ADOC or Tutwiler shall not provide a basis for terminating an investigation.</p>	x			
K.11,12,13,14, 15	<p><b>Outside Investigations; Inmate Notification</b></p> <p>11. When outside agencies investigate alleged incidents of sexual abuse, ADOC and Tutwiler shall cooperate with outside investigators and shall endeavor to remain informed, to the extent appropriate, about the progress of the investigation.</p> <p>12. Following an investigation into an inmate's allegation that she suffered sexual abuse or sexual harassment in any ADOC facility or while within the physical custody and control of the ADOC, ADOC and Tutwiler shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.</p> <p>13. If ADOC or Tutwiler did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.</p> <p>14. Following an inmate's allegation that a staff member has committed sexual abuse or sexual harassment against the inmate, ADOC and Tutwiler shall subsequently inform the inmate whenever: (see below)</p> <p>15. All such notifications or attempted notifications shall be documented.</p>	x			
K.16, 17	<p><b>Investigations Review</b></p> <p>16. A review team, including upper-level management officials at Tutwiler, with input from line supervisors, investigators, and medical and mental health practitioners, shall conduct an incident review within 30 days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse or staff-on-inmate sexual harassment. The review team shall: (see below)</p> <p>17. ADOC and Tutwiler shall implement the recommendations for improvement or shall document its reasons for not doing so.</p>	x			



Requirement	Description	Substantial Compliance	Partial Compliance	Non-Compliance	N/A
K.18	<p>Within 60 days of the Effective Date, ADOC and Tutwiler shall review all pending investigations alleging sexual abuse and sexual harassment to determine whether the investigation was conducted according to the requirements of Section III. K. of this Agreement.</p> <p>Within 120 days of the Effective Date, ADOC and Tutwiler will conduct a similar review of all unfounded allegations of sexual assault and sexual harassment for the past 360 days to determine whether the investigation was conducted according to the requirements of Section III. K. of this Agreement.</p>	x			
<b>III.L STAFF DISCIPLINARY ACTIONS</b>					
L.1	ADOC and Tutwiler shall develop, submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement policies and procedures that track staff disciplinary actions related to allegations of sexual abuse or sexual harassment, to ensure that the directives in III.L.2-III.L.6 below are met.	x			
<b>III.M Limited English Proficient (LEP) Inmates</b>					
M	ADOC and Tutwiler shall work with the Monitor to develop and implement a policy providing for a method of interpretation services for LEP inmates. This method may be through a language telephone line; if necessary, ADOC and Tutwiler shall not rely on other inmates or non-certified employees to translate and/or interpret for LEP inmates.	x			
<b>IV. Quality Improvement and Data Collection</b>					
M	<p>A. Within one year of the Effective Date, ADOC and Tutwiler shall develop and submit to the Monitor and DOJ for review consistent with Section III.A.6., and implement, written quality improvement policies and procedures adequate to identify and address any deficiencies in ADOC and Tutwiler's prevention, detection and response to sexual abuse and sexual harassment at Tutwiler and to assess and ensure compliance with the terms of this Agreement.</p> <p>B. Within three months of the Effective Date, ADOC shall convene a state-wide working group to evaluate how other state and ADOC entities may contribute to Tutwiler's compliance with this Agreement.</p> <p>C. ADOC and Tutwiler shall establish a system wherein they routinely poll inmates regarding their perceptions of the implementation of the specific terms of this Agreement including the prevalence of staff sexual abuse and sexual harassment, inmate vulnerability to sexual abuse and sexual harassment, the investigation and discipline of staff accused of sexual abuse and sexual harassment, the efficacy of inmate education regarding sexual abuse and sexual harassment, privacy in the showers and toilets, the appropriateness of inmate classification, the levels of staff supervision, the efficacy of the reporting systems for sexual abuse and sexual harassment including grievances, and official responses to, and retaliation for, allegations of sexual abuse and sexual harassment.</p> <p>D. ADOC and Tutwiler shall develop, implement, and maintain, in consultation with the Monitor, a Risk Management System ("RMS") that will document and track facility trends related to: (1) sexual abuse or sexual harassment; (2) unprofessional staff conduct involving inmates, including sexually explicit, vulgar, or degrading language; and (3) use of force incidents.</p>	x			