

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

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

STATE OF ALABAMA AND)
ALABAMA DEPARTMENT OF)
CORRECTIONS,)

Defendants.)

Case No. 2:15-cv-00368-MHT-SRW

**Sixteenth Monitor's Report
Internal Monitor's First Compliance Report**

Table of Contents

Introduction	3
<i>Specific Actions to Evaluate Compliance</i>	<i>6</i>
<i>Monitoring Tool.....</i>	<i>10</i>
Executive Summary	10
<i>Alabama Department of Corrections: Progress, Strengths, and Challenges.....</i>	<i>11</i>
<i>Policies and Procedures</i>	<i>14</i>
<i>Tutwiler Sexual Safety Culture</i>	<i>18</i>
<i>Camera Management.....</i>	<i>20</i>
<i>Staffing.....</i>	<i>21</i>
<i>Recruitment Initiatives</i>	<i>33</i>
<i>Physical Agility/Ability Test (PAAT).....</i>	<i>36</i>
<i>Staff Retention Initiatives.....</i>	<i>38</i>
<i>Gender-Responsive Risk/Needs Assessment, Classification and Programming.....</i>	<i>40</i>
<i>Inmates' Right to Privacy.....</i>	<i>45</i>
<i>Inmate Polling</i>	<i>46</i>
<i>Risk Management System</i>	<i>49</i>
<i>Sexual Abuse/Sexual Harassment Allegations</i>	<i>53</i>
<i>Access to Feminine Products and Toilet Paper</i>	<i>57</i>
Alabama Strengths	58
<i>Leadership from the Alabama Department of Corrections.....</i>	<i>58</i>
<i>Tutwiler Leadership.....</i>	<i>58</i>
<i>Extension of Onsite Locations</i>	<i>59</i>
<i>Salary Increase</i>	<i>60</i>
<i>ADOC Consultants</i>	<i>60</i>
<i>ADOC Women's Services Division Strategic Planning Committee</i>	<i>61</i>
Alabama Challenges	61
<i>Tutwiler Facility</i>	<i>61</i>
<i>Staffing Challenges-Overall Vacancies and Recruitment and Retention of Women.....</i>	<i>62</i>
<i>Physical Agility/Ability Test (PAAT).....</i>	<i>63</i>
<i>Recruitment Initiatives</i>	<i>63</i>
Logistics.....	65
<i>Compliance Assessment.....</i>	<i>65</i>
<i>Internal Monitor's Actions to Conduct This Compliance Assessment</i>	<i>65</i>
Closing Observations.....	66
Responses to Former Monitor’s Recommendations.....	67

Introduction

The State of Alabama (the “State”) and the United States Department of Justice (the “DOJ”) and collectively with the State, the “Parties”) entered into a Settlement Agreement on May 28, 2015. (Doc. 2). The Court entered a Consent Decree on June 18, 2015, providing forty-four (44) provisions related to the safety and security of the women offenders assigned at the Julia Tutwiler Prison for Women, (“Tutwiler”) a maximum-security prison in Wetumpka, Alabama operated by the Alabama Department of Corrections (“ADOC”) (Doc. 11, the “Consent Decree”). This is the first court compliance report submitted by the Internal Monitor Deidra Wright. There were fifteen court compliance reports previously submitted.

On July 22, 2023, ADOC appointed Ms. Wright to serve as the Compliance Director to oversee Tutwiler’s compliance with the Consent Decree (the “Internal Monitor”). The Internal Monitor has sufficient expertise, time, and authority to oversee compliance with the Consent Decree. The transition of the compliance evaluation function from external monitoring to a system of internal evaluation was agreed upon with the United States Department of Justice. Given ADOC’s continued substantial compliance findings in forty-one (41) of the forty-four (44) sections of the decree, the previous monitor, Dr. Kathryn Dennehy’s (“Former Monitor”) resignation presents an opportunity for the State to demonstrate capacity to self-identify and self-correct issues related to provisions that remain in partial compliance, and to monitor and sustain those provisions that are currently in substantial compliance. The Parties agree that the United States will retain all currently existing rights under the Consent Decree regarding access to the facility, documents, information, inmates, and personnel. To assist the Internal Monitor with compliance oversight, Warden Felisha Blanding operates as the compliance Warden at Tutwiler along with Captain Brandon Thornton serving as the Compliance Captain. Further, the State authorized Tracey

McKitt, departmental EEO and Assistant ADA Coordinator, to assist the Internal Monitor. In addition, the Internal Monitor attended the final compliance visit at Tutwiler conducted by the Former Monitor in January 2023, to observe the monitoring process. The Internal Monitor focused on the facilitation and process conducted by the Former Monitor.¹

This is the first compliance report submitted by the Internal Monitor. The purpose of this compliance report is to document a thorough review of ADOC and Tutwiler's progress in satisfying all provisions in the Consent Decree. The Consent Decree stipulated the need for ADOC to create policies, to train staff on the policies, and to implement each policy in the daily activities at Tutwiler and ADOC as it relates to the constitutional conditions that protect inmates from sexual abuse and sexual harassment. During the implementation of the Consent Decree, ADOC/Tutwiler established/revised/created and implemented policies that guide operational practices at the facility. All staff have been and will continue to be trained on the established/revised/created policies and Standard Operating Procedures ("SOPs") using the training curriculum approved by the Former Monitor and DOJ. Tutwiler implemented and documented compliance with policies and SOPs in the actual practice of the directives at the facility.

During the on-site compliance visit on August 16, 2023, the Internal Monitor engaged in conversations with Tutwiler staff and inmates. The Internal Monitor asked questions and engaged in informal, private conversations with both staff and inmates while touring Tutwiler. This assessment of compliance with the Consent Decree's requirements is based heavily upon the information and data obtained during these conversations. In addition, the Internal Monitor requested and reviewed an extensive amount of documents, had discussions with staff and inmates, facilitated small groups interviews with newly arrived ("Intake") inmates, conducted a

¹ In addition to observing the Former Monitor during her last site inspection, the Internal Monitor served as Warden of Tutwiler for five (5) years and participated in compliance and monitoring of the Consent Decree.

walkthrough of Tutwiler along with the Intake Facility. These on-site observations were additional mechanisms used to assist with assessing Tutwiler's compliance with the Consent Decree requirements. The Internal Monitor met weekly via video conference call with the Deputy Commissioner of Women's Services, Dr. E. Kelley Mautz ("Deputy Commissioner Mautz") regarding compliance with the Consent Decree.

ADOC and Tutwiler remain in substantial compliance with 41 out of 44 provisions of the Consent Decree. Three Consent Decree requirements remain in partial compliance. The three Consent Decree requirements that remain in partial compliance relate to staff recruitment, training, selection, and hiring (III(C)(1)); overall staffing issues, staffing updates, use of overtime, staff attendance, and staff retention (III(C)(2)); and the on-going validation study of the Woman's Risk Need Assessment ("WRNA") (III(F)(4)). These requirements are being addressed by ADOC and Tutwiler; however, substantial compliance has not been established. In addition to the Internal Monitor's narrative report summarizing key developments, the Internal Monitor utilizes the Monitoring Tool established by the former monitors (the "Monitoring Tool") to determine the level of compliance. The Monitoring Tool captures the implementation history and the Internal Monitor's compliance assessment of each of the provisions and subsections contained in the Consent Decree. The front page of each provision in the Monitoring Tool includes the specific requirements for that section of the Consent Decree. The former monitors established the "Measures of Compliance" for each provision in the Monitoring Tool. The Internal Monitor's evaluation of compliance for each section and its specific requirements is informed by interviews, small group intake inmate discussions, document reviews, tours of the facility, on-site observations, and communication with ADOC through phone calls, emails, and virtual meetings. The Internal Monitor documents her findings for each section in the box titled "Monitor's

Discussion.”

This First Internal Monitor Report addresses all requirements of the Consent Decree and the results of the Monitoring Tool. For each Consent Decree requirement, the Internal Monitor offers a finding of the degree of current compliance. The Consent Decree uses four levels to measure compliance: substantial compliance, partial compliance, non-compliance, and not applicable, however, currently all Consent Decree requirements are applicable. This report describes the actions taken by the Internal Monitor to determine compliance for January 1, 2023, to June 30, 2023 (the "Reporting Period").

Specific Actions to Evaluate Compliance

The Internal Monitor took the following specific actions to evaluate compliance:

- 1) **Notice to Inmates and Staff:** The Internal Monitor requested ADOC’s Deputy Commissioner of Women's Services to post notices to inmates and staff advising them of the change in monitors and the upcoming visit. Notices of each were posted in the dorms and throughout the facility.
- 2) **Compliance Visit:** The Internal Monitor conducted a tour of Tutwiler on August 16, 2023, to review procedures and processes for compliance with the Consent Decree. ADOC staff assigned to Tutwiler were interviewed to include the facility's interim Warden III, Warden II, Warden I, Settlement Compliance Captain, Classification Supervisor, Grievance Officer, Housekeeping Officer, other staff, and the Institutional Prison Rape Elimination Act Compliance Manager (“IPCM”). The Internal Monitor had access to staff and inmates during the monitoring visit and was afforded opportunities to question and engage in conversations with both staff and inmates while conducting document reviews and touring the facility. The following staff members were interviewed:

Alabama Department of Corrections

- Dr. E. Kelley Mautz, Deputy Commissioner for Women’s Services
- Dr. Abbey Holder, Planning and Evaluation Manager for Women's Services
- Mr. Arnaldo Mercado, Director of ADOC’s Law Enforcement Services Division (LESD)
- Mr. Casey Raines, Supervising Agent
- Ms. Charday Jackson, Agent (LESD)
- Ms. Elizabeth Pilgreen, Special Agent
- Captain Napoleon Goodson, ADOC Recruiting Director
- Mr. Elliott Sanders, ADOC Training Director
- Ms. Mary Ila Ward, Staffing Consultant

Tutwiler Prison for Women

- Captain Brandon Thornton, Settlement Compliance Manager
- Ms. Katrina Brown, Warden II (Interim Warden)
- Ms. Felisha Blanding, Warden I
- Ms. Sara Hopkins, Americans with Disabilities Act (ADA) Coordinator/Inmate Grievance Officer
- Ms. April James, Institutional PREA Manager (IPCM)
- Mr. Jeffrey Burt, Classification Supervisor
- Lt. Christina Williams, Field Training Supervisor (“FTS”)
- Lt. Leroy Yelder, Housekeeping Officer
- Ms. Cynthia Allison, Mental Health Site Program Manager, YesCare
- Ms. Aleta Willoughby, Mental Health Site Program Manager, YesCare
- Ms. Constance Talley, Health Services Administrator, YesCare
- Ms. Allyson Cox, Director of Nursing, YesCare

- Mr. Ricky Wilson, Assistant Director of Nursing, YesCare
- Staff interviewed while on tour of the facility

The Internal Monitor also had discussions with line staff and inmates' while on tour of the facility and conducted interviews in separate forums with inmates. For privacy purposes, the Internal Monitor does not identify the line staff members or inmates by name.

- 3) **Documents:** The Internal Monitor reviewed an extensive amount of ADOC and Tutwiler documents for this reporting period. These documents included: ADOC and Tutwiler policies, ADOC and Tutwiler MOUs, training curricula, attendance records, and reports. Further, the Internal Monitor requested and received a large volume of documents including: sexual abuse review committee reports, randomly selected inmate grievances, meeting minutes, and information pertaining to PREA related incidents, etc. During the visit, the Internal Monitor had access to investigation reports, staff rosters, shift reports, unannounced rounds form, employee discipline, maternity roster, RMS collective of information and all PREA documentation binders. The Internal Monitor had full access to records (Inmate Orientation, PREA Hotline Calls, pregnant inmates document, Volunteer and Contractors PREA Training documents, Random Inmate Questionnaires, PREA Reports, etc.) maintained by Ms. April James IPCM. Ms. Sara Hopkins replaced Ms. Tina Tyler as the Grievance Officer. Ms. Hopkins gave the impression of being very organized and knowledgeable of the Grievance Officer duties. The Internal Monitor had full access to Tutwiler's grievances. PREA related grievances were reviewed by the Internal Monitor. Captain Brandon Thornton is the Settlement Compliance Manager. Compliance Settlement Captain Thornton was well organized and maintained various documents and reports (Quality Improvement information ("QI"), employee discipline, an Inmate Grievance Summary Report, Maternity Roster, number of mental health grievances,

number of medical grievances, disciplinary hearing spreadsheet, Inmate Receiving Log, Pre-Hearing Segregation Log, and PREA reports, etc.). After the compliance visit, the Internal Monitor requested and received several documents to substantiate compliance and to assess the progress of the work and actions taken by ADOC and Tutwiler in response to the requirements of each section of the Consent Decree.

- 4) **Third-Party Correspondence:** ADOC posted notice of the transition to an internal monitor on or around August 14, 2023, throughout the Tutwiler facility noting the correspondence address for the Internal Monitor. An email account and mailbox at central office were created for the Internal Monitor to receive information from family members and/or third parties. The Internal Monitor did not receive any correspondence this reporting period.
- 5) **Inmate Correspondence:** The Internal Monitor did not receive any letters from Tutwiler inmates.
- 6) **Communication:** The Internal Monitor had multiple communications with Deputy Commissioner Mautz during this reporting period. Deputy Commissioner Mautz provided responses to all questions and/or requests for documentation by the Internal Monitor.
- 7) **Fifteenth Compliance Report:** The Internal Monitor reviewed the Fifteenth Compliance Report.

Monitoring Tool

The Internal Monitor utilizes the Monitoring Tool to document feedback for ADOC and Tutwiler. The Monitoring Tool has sections for the monitor to make recommendations for each provision. The recommendations are made to assist ADOC and Tutwiler in remaining and/or achieving compliance with the provisions. The Internal Monitor's recommendations on the

Monitoring Tool establishes performance expectations for ADOC and Tutwiler in order to satisfy compliance requirements for a particular provision of the Consent Decree during the next six-month period.

Executive Summary

Intent of the Report

This report will give the Court and the respective parties an assessment of the current progress and status of ADOC and Tutwiler's compliance with the Consent Decree's provisions and requirements. The agreement and this report discuss:

- “Compliance” in the following terms: substantial compliance, partial compliance, and non-compliance.
- “Substantial compliance” indicates that ADOC and Tutwiler have achieved material compliance with most or all components of the relevant provisions of the Consent Decree.
- “Partial compliance” indicates that ADOC and Tutwiler have achieved material compliance on some of the components of the relevant provision of the Consent Decree, but significant work remains.
- “Noncompliance” indicates that ADOC and Tutwiler have not met most or all the components of the relevant provision of the Consent Decree.
- “Material compliance” requires that, for each provision, ADOC and Tutwiler 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.

The Consent Decree states, “Compliance with the agreement will be measured both by whether the technical provisions are implemented and whether women at Tutwiler are provided a safe and secure environment free from sexual abuse and sexual harassment as required by the United States Constitution.” (III. Substantive Provisions). The Internal Monitor compiled this compliance visit report by taking the actions below:

- Initially, reviewing the Consent Decree, along with provisions and the

specific requirements from the Monitoring Tool.

- Requesting and reviewing specific documents to aid in assessing the extent in which ADOC and Tutwiler's processes and actions meet the requirements of the Consent Decree.
- Meeting and interviewing key staff members that maintain pertinent information and have direct responsibilities for the settlement implementation.
- Conducting a walkthrough assessment along with conversing with staff and inmates about Tutwiler's practices and policies as it relates to the terms and requirements of the Consent Decree.
- Communicating with Deputy Commissioner of Women's Services to ask questions, to request documents, and to gauge Tutwiler's performance in meeting terms and requirements of the Consent Decree.

Alabama Department of Corrections: Progress, Strengths, and Challenges

The Internal Monitor has determined that ADOC and Tutwiler have maintained substantial compliance with 41 of 44 provisions of the Consent Decree. ADOC and Tutwiler continue to make steady progress since the effective date of the Consent Decree. Provisions in both Substantial and Partial Compliance continue to improve under the following actions by ADOC:

- Policies and procedures that comply with PREA provisions are being implemented and followed.
- Staffing issues remain a priority focus point. ADOC and Tutwiler continue to work with consultants to assist with staffing.
- Training staff, contract employees and volunteers on PREA continue to be facilitated within the timeframe allotted.
- Inmate education is being facilitated to all inmates received during the intake process.
- Gender-Responsive Classification is actively being used and the validation process is still on-going.
- Created and piloting the new PREA Risk Screening tool previously reviewed by DOJ and the Former Monitor. The first phase of the pilot

completed July 31, 2023. A second phase of the pilot concluded in October. ADOC is anticipating a summary report in December 2023.

- Inmates' Right to Privacy remains a priority. Tutwiler is consistently committed to complementing the architectural features of the facility to ensure privacy is provided.
- Inmates are continuously educated on the multiple ways of reporting allegations of sexual abuse and sexual harassment. Tutwiler responds to and investigates all PREA allegations.
- All staff corrective action related to allegations of sexual abuse, sexual harassment, and unprofessional conduct continues to be tracked.
- Alabama remains committed to assist Limited English Proficient ("LEP") inmates. ADOC and Tutwiler have a Memorandum of Understanding ("MOU") with the Alabama Institute for the Deaf and Blind to assist with accessibility for inmates who are deaf, blind, or deafblind.
- Quality improvement and data collection continue to be a tool used to improve policies and procedures to adequately identify and address deficiencies in ADOC and Tutwiler's prevention, detection and response to sexual abuse and sexual harassment.

ADOC and Tutwiler remain in partial compliance with three requirements. As of June 30, 2023, the end of this reporting period, the three requirements remaining in partial compliance focus on: (1) staffing and, recruitment (III(C)(1)); (2) the need to validate and gender-norm the physical training requirements Correctional Officer Trainees must meet to graduate from the academy (III(C)(2)); and (3) the validation of the gender-responsive classification instrument (III(F)(4)).

The last compliance report from the Former Monitor noted five (5) developments that warranted close monitoring during this reporting period to ensure that any temporary non-compliance had been corrected. The five developments that warranted close monitoring according to the Former Monitor are noted below with ADOC and Tutwiler's progress:

First, the overall vacancy rate of correctional officer positions increased from June 30, 2022, to December 31, 2022. The most recent staffing update received by the Former Monitor and

DOJ on April 30, 2023, indicates the vacancy rate continued to increase through the end of February 2023. As of date of this Report, the vacancy rate for Correctional Officers at Tutwiler stands at 56%. ADOC is committed to increasing staffing levels at Tutwiler. ADOC currently has a contract with Allied Universal Security to provide additional security staff to assist with non-contact posts at all major facilities. As addressed later in this report, Allied Universal Security is currently providing security staff to Tutwiler.

Second, inmates in two housing units reported what appeared to the Former Monitor to be a temporary disruption in the availability of a feminine product. During the Internal Monitor's compliance visit on August 16, 2023, the bathrooms were stocked with toiletry products and feminine products. The Internal Monitor also spoke with several inmates about the availability of toiletry items and feminine products. All inmates advised the Internal Monitor that the toiletry items and feminine products are readily available. The Internal Monitor will continue to monitor the availability of feminine products.

Third, in November 2022, ADOC implemented a revised approach to conducting PREA investigations, without the required policy and document disclosures, which was reviewed by the DOJ and the former monitor both of whom raised concerns that the revised approach may conflict with consent decree and PREA requirements. The Internal Monitor confirmed that ADOC reverted back to the investigation process as stated in policy previously approved by DOJ and Former Monitor, and according to the Consent Decree. The Office of Inspector General returned to the prior process in February 2023 and the full investigative process reverted back to LESD in August 2023. Currently, LESD investigates all alleged Inmate on Inmate Sexual Abuse, Staff on Inmate Sexual Abuse and Staff on Inmate Sexual Harassment.

Fourth, while the required annual camera management assessment was conducted, it is

unclear to the Internal Monitor if follow-up action was initiated within thirty days of the development of the required action plans. The Internal Monitor is awaiting confirming documentation from ADOC. Tutwiler received the equipment for the camera system, and the installation process was underway during the compliance visit. An update on the new camera installation will be included in the next compliance report.

Fifth, the Former Monitor noted a need to closely monitor the significant salary increases that had been announced. Both the Former and Internal Monitor believe the salary increase may improve recruitment and retention efforts. The Internal Monitor confirmed the State implemented the salary increases in March 2023. ADOC began seeing an increase in hiring in May and June 2023, and ADOC remains confident that the salary increases will attract potential candidates to assume the Correctional Officer position.

Policies and Procedures

This section of the report includes an update on written policies that mandates zero tolerance toward all forms of sexual abuse and sexual harassment along with outlining the agency's approach to preventing, detecting, and responding to such conduct:

- *AR 454, Inmate Sexual Abuse and Harassment*
- *SOP 8-12, Inmate Sexual Abuse and Sexual Harassment*
- *SOP 8-30, Behavior Intervention & Discipline Policy*
- *SOP 8-24, Disciplinary Segregation*
- *SOP 5-25, Structured Living Unit (“SLU”)*
- *SOP 11-2, Julia Tutwiler Prison for Women Quarantine Intake Facility*

ADOC and Tutwiler continue to adhere to written policies to prevent sexual abuse and sexual harassment. Administrative Regulation (“AR”) #454, ‘Inmate Sexual Abuse and Harassment’, dated January 4, 2016, is consistent with PREA standards and outlines the agency’s

approach to sexual safety. The AR establishes, identifies, and outlines the roles and responsibilities of the IPCM, which include the collaboration with various levels of institutional management. Further, it establishes and identifies the responsibilities and procedures for the IPCM to coordinate the institutions efforts to comply with PREA standards.

Tutwiler's current SOP 8-12, *Inmate Sexual Abuse and Sexual Harassment*, sets out the duties and responsibilities of Tutwiler's staff in responding and addressing PREA concerns. In document review, formal interviews, informal discussions, and observations while touring, staff members demonstrated and made known 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.

SOP 8-30, *Behavior Intervention & Discipline Policy*, became effective on January 1, 2018. The policy establishes a disciplinary structure and process that is evidence-based, strength-based, gender-responsive, trauma-informed, and reinforces a safe facility culture by motivating inmate behavior and encouraging self-management. The disciplinary process is objective, timely, fair, equitable, and consistent based on policy, credible evidence, and due process. The policy is designed to hold inmates accountable for their behaviors and actions utilizing mediation, cognitive behavioral interventions, and the lowest possible disciplinary sanction to address rule violations. Sanctions and responses are provided for inmate rule violations that promote safety, dignity, learning, rehabilitation, and respect for self and others. The policy is intended to improve employee and inmate communication and inmates' interpersonal skills in support of positive outcomes consistent with the mission and vision for Women's Services. A goal of the policy is to assist in achieving Tutwiler's overall mission of having committed professionals work together to

provide a safe, healthy, and respectful environment, ensure women offenders exercise pro-social behaviors, and prepare women who are returning citizens to the community for successful re-entry through gender-responsive programs and services. Employees may address a low-level infraction by verbal re-direct, which may consist of helping the inmate to refocus on more productive behavior and positive tasks; collaborative problem solving with the inmate; and engaging inmates through motivation strategies. Employees shall model a culture of encouragement, apply discipline in a pro-social, strength-based manner, and work to motivate positive behavior and healthy inmate interpersonal skills. In some cases, if an inmate demonstrates positive behavior changes after being charged, then the inmate's charge or sanction can be reduced.

Pursuant to SOP 8-30, *Behavior Intervention & Discipline Policy*, appropriate interventions include journaling; book reading assignments and book reports; restorative actions; and/or a referral to a counselor or case manager. The formal disciplinary process will be utilized for instances when verbal redirection and the Behavior Intervention Program have been unsuccessful, or a serious incident has occurred. This policy provides guidelines that allows staff to base discipline upon the circumstances. In the past compliance court report, it was noted that inmates and staff expressed concerns that some women were allegedly not being held accountable for rule infractions. During the current monitoring compliance visit on August 16, 2023, the Disciplinary Hearing Officer was out on Paternity Leave. The Internal Monitor discussed the progress of the policy with Captain Brandon Thornton. Captain Thornton expressed that staff and inmates are adjusting to the Behavior Intervention policy, and it is still a work in progress. Staff continues to be trained on the Behavior Intervention policy along with new hires. All inmates are educated on the Behavior Intervention policy. A copy of the policy is located in the inmate library.

As noted in Compliance Report Fifteen, the finalization of SOP 8-24, *Disciplinary*

Segregation, was contingent on the implementation of SOP 8-30, *Behavior Intervention & Discipline Policy*, as the final version of SOP 8-24 had to align with changes made to SOP 8-30. The implementation of the two SOPs still contributes to a significant reduction in both the number of placements and the length of time spent in Disciplinary Segregation. The Internal Monitor reviewed the Pre-Hearing Segregation Log which listed 120 entries. There were eleven (11) extensions noted on the Segregation Log. This information is documented in the Pre-Hearing Segregation Log. Other than the approved eleven (11) extensions, women remained in pre-hearing status for three (3) days or less. The eleven (11) extensions, for women that remained in pre-hearing status, range from four (4) to nine (9) days. The Internal Monitor was informed that the Supervisor that oversees the Restrictive Housing Unit is responsible for ensuring inmates remain in the pre-hearing status up to 72 hours. The Internal Monitor will monitor the Pre-Hearing Segregation Log and include findings in next compliance report.

As noted in Compliance Report Fifteen, in September 2018, DOJ and Former Monitor were provided a copy of a proposed SOP 5-25, *Structured Living Unit*, for review and comment. The SOP established the protocols for a SLU located in Dorm K. The unit was designed to house inmates, whether on a mental health caseload or not, whose behavior indicated a need for a more structured living environment than general population. The SLU is a diversionary unit to be used in lieu of restrictive housing placement. Inmates sign a Structure Living Unit Behavior Contract with the Unit Review Team, comprised of at least a licensed counselor, psychologist, classification supervisor, and a security representative designated by the Warden. The SOP was agreed upon by the Former Monitor and DOJ. The SLU opened in June 2020 with a capacity of thirty beds.

As further noted in Compliance Report Fifteen, ADOC conducted a review of the pilot opening of the SLU, identifying what had worked well and lessons learned. The majority of the

women housed in the SLU have been on a mental health caseload with ongoing behavior management issues. The major reasons for placement in the SLU stems from assaultive behavior and/or violation of rules that results in a change to custody status. During the January 2021 compliance visit overview, DOJ and the Former Monitor were advised that the SLU would be renamed to the Rehabilitative Needs Unit (“ReNU”). As of the August 16, 2023, the Internal Monitor was advised the SLU would remain in Dorm K.

As noted in Compliance Report Fifteen, a new location was established for intake to manage COVID-19 infection rates. The SOP was published on May 4, 2020, after review by the Former Monitor and DOJ. The facility is currently named the Julia Tutwiler Prison for Women Intake Center. Before the COVID pandemic, Tutwiler was successful at limiting the amount of time new cohorts assigned to the intake unit. Currently, the average length of stay for inmates in the Intake facility depends on the COVID testing results. The unit continues to be effective in containing the virus. This unit is considered a gender specific post, and cameras were installed in this unit to enhance supervision.

Tutwiler Sexual Safety Culture

Tutwiler currently uses SOP 8-12, *Form A, PREA Risk Factors Checklist*, to screen all inmates for risk of sexual victimization or abuse. All inmates continue to be screened within seventy-two hours of arrival. Classification staff facilitate the PREA Risk Assessment for every inmate that enters Tutwiler. 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 is interviewed by a mental health practitioner. Inmates are reassessed within thirty days of their arrival.

An inmate who presents as at risk of being sexually abused or sexually aggressive toward

inmates receives a follow up by the IPCM and Psychological Services staff. The inmate's housing, bed, work, education, and program assignments are strategically assigned with consideration from Classification and the IPCM. Placement and programming assignments for inmates at high risk of sexual victimization are reassessed at least twice a year.

The Consent Decree at Section III.G.1 states ADOC and Tutwiler shall continue to utilize a risk assessment instrument to screen for risk of victimization and abuse. According to Compliance Report Fifteen, in June 2016, ADOC revised the risk assessment instrument to ensure its gender-responsiveness. ADOC Women's Services partnered with The Moss Group staff to revise the PREA Risk Screening Tool at Tutwiler. The revision process involved: (1) the review of incident records, (2) consultation with ADOC staff who routinely complete assessments with inmates, including the current PREA Risk Screening Tool and Women's Risk Needs Assessment, (3) identification of existing data to provide a more comprehensive assessment of risk, and (4) a comparative review of revisions of the tool with PREA Standards. On December 7, 2021, ADOC Women's Services staff attended a webinar entitled "Considerations for Objective Risk Screening Instruments/PREA" to gain additional information and guidance from national PREA experts to assist with the final revisions.

As noted in Compliance Report Fifteen, in February 2023, inmates participated in a survey regarding Tutwiler's progress towards meeting the requirements of both the Consent Decree and PREA. The women were asked questions regarding their feelings of safety at the facility. In response to being asked if they felt sexually safe at Tutwiler, 81% agreed they felt sexually safe, while 9% disagreed with 10% neither agreeing nor disagreeing.

Another question asked about the inmate's awareness of their rights to be free from sexual abuse, 73% strongly agreed they were aware of their rights, 11% somewhat agreed, 10% Neither

agree or disagreed, 1% somewhat disagreed, and 4% strongly disagreed. The vast majority of inmates indicated they understand PREA rules, regulations, and their rights regarding sexual safety and abuse. In response to a survey question asking the inmates' knowledge of PREA and regulations related to sexual abuse and safety, 68% strongly agree, 15% somewhat agree, 13% neither agree or disagree, 1% somewhat disagree, and 4% strongly disagree. According to former and current compliance visits, the inmates feel sexually safe.

As noted in Compliance Report Fifteen, Tutwiler's PREA Audit was conducted by a trained, DOJ-certified PREA auditor on February 27 through March 1, 2022. Tutwiler was found to be in full compliance with PREA's requirements. A copy of the final audit report was forwarded to the Former Monitor and the DOJ on June 3, 2022. The PREA Audit is posted on ADOC's website. The Internal Monitor received and reviewed a copy of the audit report. The next PREA Audit will be conducted in 2025.

Camera Management

The video surveillance monitoring system continues to be used to enhance the safety and security of both inmate and staff. The video surveillance monitoring system is employed as a tool to prevent incidents, assist in investigations, of alleged incidents (PREA §115.13). Video surveillance monitoring system does not replace staff on posts. The goal of camera management policies and procedures is to maximize supervision. Section III.B. 1-2 of the Consent Decree addresses camera management. On January 17, 2023, Warden Lagreta McClain convened the annual camera assessment meeting. During the compliance visit on August 16, 2023, the Internal Monitor observed camera screens out in the Surveillance Monitor Unit. A total of forty-two (42) cameras were reported not working. According to Dr. Mautz, ADOC Information Systems is currently aware of the camera outage and has received equipment to repair the discrepancies. As

of August 16, 2023, installation of the new cameras was underway. The additional camera installation update will be included in the next compliance report.

Staffing

The Consent Decree requires the development of a staffing analysis and staffing plan, based on gender-responsive principles and PREA requirements, that provides for adequate staffing levels and, where applicable, video monitoring, to protect inmates against sexual abuse and sexual harassment (C.2.i). According to Compliance Report Fifteen, ADOC and Tutwiler expended considerable funds to have an initial staffing analysis conducted at Tutwiler by nationally recognized experts to research and develop a gender-responsive staffing plan for Tutwiler. The 2016 staffing plan was informed by gender-responsive principles identified by the National Institute of Corrections (“NIC”), PREA requirements, DOJ Consent Decree requirements, and emerging correctional best practice. An additional staffing plan update was provided in November 2022 and updated again in February 2023.

According to Compliance Report Fifteen, the Former Monitor requested ADOC and Tutwiler to provide periodic status updates on the implementation plan addressing the recommendations made in the 2016 staffing plan. On December 31, 2021, Tutwiler had implemented twenty-one (21) of the consultants' twenty-two (22) recommendations in the staffing plan. As of June 30, 2022, only one recommendation remained outstanding, regarding the adding audio to Tutwiler's camera system. Deputy Commissioner Mautz advised the Internal Monitor that implementation of the final recommendation to add audio to the camera system will not be implemented due to funding.

According to the Consent Decree (C.2.i.), ADOC and Tutwiler shall develop, document, and implement a staffing plan, based on gender responsive principles and PREA requirements,

that provides for adequate staffing levels and, where applicable, video monitoring to protect inmates against sexual abuse and sexual harassment. The staffing plan update provided to the Former Monitor and DOJ included the following:

- Identification of all posts and positions at Tutwiler, including any gender-specific posts required for the safe operation of the facility.
- Shift relief factor for Tutwiler.
- Policies and procedures for reviewing and amending Tutwiler's staffing plan.

In calculating adequate staffing levels, ADOC and Tutwiler shall, as part of a staffing analysis, consider the following factors (III.2.ii.):

- Generally accepted detention and correctional practices.
- ADOC and Tutwiler's determination of which necessary duties will be handled by Tutwiler staff, ADOC staff, or outside agencies.
- Any findings of inadequacy from any investigative agencies within ADOC.
- Any findings of inadequacy from internal or external oversight bodies.
- The camera management plan and all components of the facility's physical plant.
- The composition of the inmate population.
- The number and placement of supervisory staff.
- Institution programming and options for supervision of inmates.
- A Tutwiler specific shift relief-factor.
- Any applicable state or local laws, regulations, or standards; and
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse and sexual harassment.

The following are factors required for consideration by PREA regulations (PREA Section 115.13 Supervision and Monitoring- Adult Prisons):

- Generally accepted detention and correctional practices.
- Any judicial findings of inadequacy.
- Any findings of inadequacy from Federal investigative agencies.
- Any findings of inadequacy from internal or external oversight bodies.
- All components of the facility's physical plant (including "blind spots" or areas where staff or inmates may be isolated.
- The composition of the inmate population.
- The number and placement of supervisory staff.
- Institution programs occurring on a particular shift.
- Any applicable state or local laws, regulations, or standards; and
- Any other relevant factors.

As required by Section III.C.2.vi of the Consent Decree, ADOC and Tutwiler were required to submit quarterly staffing reports to the Former Monitor and the DOJ. These reports included the following information: (1) a listing of staff hired at Tutwiler, by gender and positions filled; and (2) a listing of staff who ended their employment at Tutwiler, including gender, position, and the reason for separation. The Internal Monitor received the staffing report that covered the period of January 1, 2023, through June 30, 2023.

The Internal Monitor reviewed the January 1, 2023, through June 30, 2023, staffing report. According to the staffing report, Correctional Officer staffing levels at Tutwiler have decreased since December 31, 2022. The staffing level at Tutwiler remains a concern. The current staff is being affected by the low staffing level due to mandatory overtime. Mandatory overtime remains common at Tutwiler, and results in increased discipline from staff refusals to remain on shift. The review of corrective action taken against employees reveals several officers were disciplined for failure to remain on duty due to staff shortages. In addition, the low staffing level has a direct

effect on the inmate population. According to the inmate survey, “the majority of women indicated there are not enough staff to get to work, programs, or other assignments on time.” ADOC and Tutwiler are actively working to increase staffing level at Tutwiler. ADOC and Tutwiler are actively implementing and following through with the Recruitment and Retention strategies addressed later in this report.

The job classification for Correctional Security Guard was called Basic Correctional Officer (“BCO”) in previous compliance reports. On May 27, 2023, a directive from Deputy Commissioner Mautz stated that the working title BCO will be replaced with Correctional Security Officer’ (“CSO”). In this compliance report, Correctional Security Guard will be referred to as Correctional Security Officer ‘CSO’ instead of the former title BCO. The CSOs are not certified by the Alabama Peace Officers' Standards and Training Commission (“APOSTC”). The CSO job description, requirements and duties are the same as the BCO. Tutwiler added twelve (12) new staff members between January 1, 2023, through June 30, 2023. There were four (4) non-security personnel– a Staff Accountant, two (2) Social Service Caseworkers, and a Special Investigator– added to Tutwiler. In addition, there were eight (8) other staff members– a Correctional Cubicle Officer, five (5) Correctional Security Officer-CSO, a Correctional Officer Trainee, and a Senior Correctional Officer– added to Tutwiler. According to the staffing report, Tutwiler lost thirteen (13) staff members, including five (5) Senior Officers (two (2) retired, three (3) resigned), five (5) Correctional Security Officers, one (1) Classification Specialist, one (1) Social Service Caseworker and one (1) Grounds Worker who ended their employment with Tutwiler for multiple reasons. The Internal Monitor received and reviewed the exit interview information completed from RippleWorx. The exit interview document consists of two (2) employees’ reasons for ending their employment with Tutwiler during the reporting period. One employee found another job,

and the second employee stated that ADOC was not the right fit. It is important for Tutwiler to strongly encourage all employees that are ending employment to complete an exit interview. An exit interview has the potential to identify barriers to staff retention. It offers a deeper look at the facility's culture, daily processes, management solutions, and employee morale. The Internal Monitor encourages Tutwiler to ensure all employees that end employment have an opportunity to complete an exit interview.

Section III.C.2.vii of the Consent Decree requires Tutwiler to provide to the monitor and the DOJ a staffing report every six months in the first year after the effective date of the Consent Decree, and yearly thereafter. In accordance with the agreement, this staffing report is now provided on an annual basis until termination of the agreement.

Tables 1-6 below contains a breakdown of security staff at Tutwiler from June 30, 2021, to the current compliance visits. On June 30, 2021, the vacancy rate of all officer positions, when aggregated, yielded a 21.60% vacancy rate. The aggregated breakdown of officer positions on December 31, 2021, yielded an increase in the vacancy rate to 31.5%. On June 30, 2022, the aggregated breakdown of officers yielded an increase in the vacancy rate to 38.8%. On December 31, 2022, the breakdown in officers increase in the vacancy rate to 45.7%. As of June 30, 2023, the vacancy rate for officers increased to 58%. The vacancy rate of officers increased approximately 12% since December 31, 2022.

The staffing breakdowns on December 31, 2020, June 30, 2021, December 31, 2021, June 30, 2022, December 31, 2022, and June 30, 2023, are summarized in the following **Tables 1, 2, 3, 4, 5 and 6**.

Table 1: Tutwiler security staffing as of December 31, 2020

Position	Actual Count	Vacancy Rate	Black Male	White Male	Black Female	White Female
CORRECTIONAL CPT. (Authorized = 3)	3	0%	2	0	1	0

CORRECTIONAL LT. (Authorized = 10)	7	30%	2	1	4	0
CORRECTIONAL SGT. (Authorized = 20)	12	40%	6	1	5	0
SENIOR CORR. OFFICER	52	33.75%	14	3	33	2
CORRECTIONAL OFFICER	2		1	0	1	0
BASIC CORRECTIONAL OFFICER (Authorized = 160)	52		2	1	48	1

Table 2: Tutwiler security staff staffing as of June 30, 2021

Position	Actual Count	Vacancy Rate	Black Male	White Male	Black Female	White Female
CORRECTIONAL CPT. (Authorized = 3)	3	0%	2	0	1	0
CORRECTIONAL LT. (Authorized = 10)	9	10%	4	1	4	0
CORRECTIONAL SGT. (Authorized = 21)	13	38%	7	1	5	0
SENIOR CORR. OFFICER	45	21.60%	15	3	25	2
CORRECTIONAL OFFICER	3		0	0	3	0
BASIC CORRECTIONAL OFFICER	70		2	0	64	4
CORRECTIONAL CUBICLE OFFICER (Authorized = 162)	9		1	0	7	1

Table 3: Tutwiler security staffing as of December 31, 2021

Position	Actual Count	Vacancy Rate	Black Male	White Male	Black Female	White Female
CORRECTIONAL CPT. (Authorized = 3)	3	0%	2	0	1	0
CORRECTIONAL LT. (Authorized = 10)	9	10%	4	2	3	0
CORRECTIONAL SGT. (Authorized = 21)	10	52.4 %	4	2	4	0
SENIOR CORR. OFFICER	44	31.5%	15	2	25	2
CORRECTIONAL OFFICER	0		0	0	0	0
BASIC CORRECTIONAL OFFICER	58		3	0	52	3
CORRECTIONAL CUBICLE OFFICER (Authorized = 162)	9		0	0	8	1

Table 4: Tutwiler security staffing as of June 30, 2022

Position	Actual Count	Vacancy Rate	Black Male	White Male	Black Female	White Female
CORRECTIONAL CPT. (Authorized = 3)	2	33.3 %	2	0	0	0
CORRECTIONAL LT. (Authorized = 10)	10	0%	5	2	3	0
CORRECTIONAL SGT. (Authorized = 21)	11	47.6 %	5	2	4	0
SENIOR CORR. OFFICER	40	38.9%	15	2	21	2
CORRECTIONAL OFFICER	0		0	0	0	0
CORRECTIONAL OFFICER TRAINEE	4		2	0	2	0
BASIC CORRECTIONAL OFFICER	45		3	0	41	1
CORRECTIONAL CUBICLE OFFICER (Authorized = 162)	10		2	1	7	0

Table 5: Tutwiler security staffing as of December 31, 2022

Position	Actual Rate	Vacancy Rate	Black Male	White Male	Black Female	White Female
CORRECTIONAL CPT. (Authorized = 3)	2	33.3 %	2	0	0	0
CORRECTIONAL LT. (Authorized = 10)	11	0%	6	2	3	0
CORRECTIONAL SGT. (Authorized = 21)	10	52.4 %	5	2	4	0
SENIOR CORR. OFFICER	36	45.7%	16	2	17	1
CORRECTIONAL OFFICER	3		1	0	2	0
CORRECTIONAL OFFICER TRAINEE	8		1	0	7	0
BASIC CORRECTIONAL OFFICER	33		1	0	31	1
CORRECTIONAL CUBICLE OFFICER (Authorized = 162)	8		1	0	7	0

Table 6: Tutwiler security staffing as of June 30, 2023

Position	Actual Rate	Vacancy Rate	Black Male	White Male	Black Female	White Female
CORRECTIONAL CPT. (Authorized = 3)	4	33.3%	3	1	0	0
CORRECTIONAL LT. (Authorized = 10)	9	18%	5	1	3	0
CORRECTIONAL SGT. (Authorized = 21)	7	30%	4	1	2	0
SENIOR CORR. OFFICER	29	58%	14	1	13	1
CORRECTIONAL OFFICER	3		1	0	2	0
CORRECTIONAL OFFICER TRAINEE	9		2	0	7	0
BASIC CORRECTIONAL OFFICER	31		1	0	30	0
Correctional Cubical Officer (Authorized =188)	7		2	0	5	0

In December 2022, the vacancy rate in the ranks of Correctional Sergeant was 52.4%, and at the end of this reporting period it had decreased to 30%. The vacancy rate in the ranks of Correctional Lieutenant was 0% in December 2022, currently it has increased to 18% during this reporting period. The fourth Captain position was approved and reflected in the staffing totals. During this reporting period a total of twelve (12) new staff were added to Tutwiler and six (6) officers were promoted with the following breakdown:

- Three (3) Non-Security positions were added as follows:
 - One (1) Female Staff Accountant
 - Two (2) Female Social Service Caseworkers – I

- Nine (9) Security positions were added as follows:
 - One (1) Male Correctional Security Guard - I
 - Five (5) Female Correctional Security Guard - I
 - One (1) Male Senior Correctional Trainee
 - One (1) Male Special Investigator
 - One (1) Female Special Investigator

- (6) Promotions as follows:
 - Two (2) Male Correctional Lieutenant promoted to Captain
 - Two (2) Male Correctional Sergeant promoted to Lieutenant
 - One (1) Female Correctional Sergeant promoted to Lieutenant
 - One (1) Warden III promoted to Regional Director

Women's Services continues to promote professional development for supervisors. The Wardens, Captains and mid-level supervisors are given an opportunity to work with a coach to expand their knowledge, skills, and abilities as a professional. Consultants with the Moss Group are assigned as a coach to the Wardens, Captains and Mid-Level Supervisors that take advantage of the opportunity. The meetings are tailored to the needs of the Supervisor. The custom one-on-one coaching includes a process that aims to support the individual in achieving their supervisory, leadership and professional goals. Additional professional development activities include the use of leadership assessment tools, team meetings to share helpful leadership information, opportunities to attend conferences or join professional organizations, consistent discussions around opportunities for growth and succession planning.

Additionally, ADOC's Field-Training-Officer (FTO) program has begun. This effort was led by ADOC's Training Director and staff of Women's Services. Purposes of the FTO Program include: (1)

Allowing trainers to continuously evaluate a trainee's performance under actual field conditions, identify specific trainee weaknesses or deficiencies, and developing remedial training programs to improve those weaknesses or correct deficiencies; and (2) determining when trainees who cannot attain the level of proficiency expected and either extending their probation or recommending a separation of employment with ADOC.

Tutwiler completed the Implementation Timeline for the FTO Program in June 2023, including:

- June 1st: Finalize Staff
- June 6th: Organize and Set Meetings with FTS
- June 8th: Confirm FTOs and conducted refresher meeting with FTO, FTS, and FTL
- June 9th: Final Implementation

Tutwiler promoted Lt. Christina Williams from the Women's Services Training Center in June. Her transfer and promotion provided a jumpstart to the FTO program. The program began on June 9, 2023, with newly sworn Officer J. Wilson. Two (2) trainees are participating in the FTO program at Tutwiler: C. Green and D. Woods, who graduated from the academy on August 17, 2023. These trainees reported back to the facility on August 21, 2023, for the FTO program. The program is running smoothly and has been collaborating with Assistant Director Damon Salter, who provides experience and support to Tutwiler staff while implementing the FTO Program. Additionally, two (2) more trainees, B. Crum and M. Weaver graduated the Academy on September 14, 2023, and reported to the facility on September 18, 2023. Tutwiler also has two future trainees anticipating attending the training academy, Trainee C. Jones (Lateral) and Officer S. Hutchins (APOSTC). The implementation of the FTO program is going to be beneficial in providing on-the-job training and support to new staff, improving supervision, and supporting the retention of officers.

Tutwiler has taken efforts to mitigate impact of the staffing shortages. The support staff have assisted in working overtime to assist with critical functions, Tutwiler incorporated mandated overtime, and utilized employees who are non-APOSTC Correctional Officers for certain non-contact jobs such as monitoring the camera system and manning the cubicle control room. Tutwiler developed and implemented several strategies to increase the number of staff. One strategy is to retain the part-time services from retired uniform and non-uniform staff. Another strategy is to use supervisors to fill posts when needed to maintain operations. In addition, ADOC continues to allow officers from other ADOC facilities to work overtime at Tutwiler once they have completed a required training regarding the Consent Decree. Lastly, Tutwiler has a contract with Allied Universal to assist with filling non-contact posts (towers, cubical officers, etc.).

Recruitment Initiatives

ADOC's Recruitment Unit continues to organize job fairs focusing on the recruitment of security staff. The Internal Monitor received an update on the short- and long-range recruitment and retention strategies outlined in the Office of Administrative Services (OAS) recruiting and retention strategic plan for Tutwiler. In March 2023, ADOC began an extension of the on-site program in effort to offer onboarding events on a more frequent opportunity and at a more local level. In addition to the on-site events mentioned above, ADOC started hosting local "Meet and Greet" events in the following locations: Atmore Training Center in south Alabama, Wetumpka Training Center in central Alabama, Birmingham Training Center in north central Alabama, and Limestone Correctional Facility in north Alabama. These events are hosted on a weekly basis and by invitation only for COT applicants. ADOC also began utilizing an application tracking system, Applicant Pro, which allows the Department to monitor and track applications electronically.

Below is a listing of events and results, to include, indication of candidates expressing an

interest in working at Tutwiler:

Limestone

- On March 15, 2023, 6 applicants attended the meet and greet event in Limestone County, and no one expressed interest in working at Tutwiler.
- On March 29, 2023, 6 applicants attended the meet and greet event in Limestone County, and no one expressed interest in working at Tutwiler.
- On April 5, 2023, 5 applicants attended the meet and greet event in Limestone County, and no one expressed interest in working at Tutwiler.
- On April 19, 2023, 4 applicants attended the meet and greet event in Limestone County, and no one expressed interest in working at Tutwiler.
- On May 3, 2023, 5 applicants attended the meet and greet event in Limestone County, and no one expressed interest in working at Tutwiler.
- On May 17, 2023, 4 applicants attended the meet and greet event in Limestone County, and no one expressed interest in working at Tutwiler.
- On May 31, 2023, 4 applicants attended the meet and greet event in Limestone County, and no one expressed interest in working at Tutwiler.

Birmingham

- On March 21, 2023, 5 applicants attended the meet and greet event in Jefferson County, and no one expressed interest in working at Tutwiler.
- On April 25, 2023, 5 applicants attended the meet and greet event in Jefferson County, and no one expressed interest in working at Tutwiler.
- On May 9, 2023, 11 applicants attended the meet and greet event in Jefferson County, and no one expressed interest in working at Tutwiler.
- On May 23, 2023, 10 applicants attended the meet and greet event in Jefferson County, and no one expressed interest in working at Tutwiler.
- On June 6, 2023, 3 applicants attended the meet and greet event in Jefferson County, and no one expressed interest in working at Tutwiler.

Wetumpka

- On March 23, 2023, 7 applicants attended the meet and greet event in

Elmore County, and 1 applicant expressed interest in working at Tutwiler.

- On April 20, 2023, 11 applicants attended the meet and greet event in Elmore County, and 1 applicant expressed interest in working at Tutwiler.
- On May 4, 2023, 20 applicants attended the meet and greet event in Elmore County, and 5 applicant expressed interest in working at Tutwiler.
- On May 18, 2023, 5 applicants attended the meet and greet event in Elmore County, and no one expressed interest in working at Tutwiler.
- On May 23, 2023, 11 applicants attended the meet and greet event in Jefferson County, and no one expressed interest in working at Tutwiler.
- On June 1, 2023, 10 applicants attended the meet and greet event in Elmore County, and 5 applicants expressed interest in working at Tutwiler.
- On June 9, 2023, 17 applicants attended the meet and greet event in Elmore County, and 3 applicants expressed interest in working at Tutwiler.

Atmore

- On March 20, 2023, 9 applicants attended the meet and greet event in Escambia County, and no applicant expressed interest in working at Tutwiler.
- On May 1, 2023, 7 applicants attended the meet and greet event in Escambia County, and no applicant expressed interest in working at Tutwiler.
- On May 8, 2023, 3 applicants attended the meet and greet event in Escambia County, and no one expressed interest in working at Tutwiler.
- On May 22, 2023, 2 applicants attended the meet and greet event in Escambia County, and no one expressed interest in working at Tutwiler.
- On June 12, 2023, 3 applicants attended the meet and greet event in Escambia County, and no one expressed interest in working at Tutwiler.

These events continue to provide a “one-stop-shop” application process, where candidates can apply, complete the urinalysis screening, background interview, and all the necessary pre-employment paperwork at one time. According to the collective information, the interest in Tutwiler has increased. ADOC and Tutwiler are encouraged by the increased numbers of existing

CSO's aspiring to be promoted to COT. The Internal Monitor recommends ADOC and Tutwiler continue tracking and following-up with each COT candidate that attended the job fair but did not enter ADOC's workforce.

ADOC has been providing a pay differential for APOSTC certified employees based on the security classification of the facility they are assigned. ADOC now has the approval from State Personnel to also give pay differentials to support job classifications and non-APOSTC security classifications. ADOC believes this will be of benefit to improving and maintaining staffing levels in Women's Services facilities. The changes went into effect in January 2023.

The Deputy Commissioner for Administrative Services and the Deputy Commissioner for Women's Services continue to review Tutwiler exit and internal satisfaction survey information quarterly.

Physical Agility/Ability Test (PAAT)

The Consent Decree mandates ADOC and Tutwiler continue to work with the APOSTC in the screening, selecting, or hiring applicants for entry-level Correctional Officer positions until such standards, or any other physical test employed are both validated for a corrections environment and examined for the necessity of gender-norming certain components. As stated in previous compliance reports, Troy University's Department of Kinesiology and Health Promotion was contracted by ADOC to conduct a study for the purpose of (a) identifying the necessary physical tasks associated with the job of ADOC Correctional Officers, (b) developing and validating a testing battery to assess the physical fitness status of officers and officer candidates and (c) to propose a new modified PAAT that is validated for the correctional environment. The proposed revisions to the PAAT were designed to allow candidates to make up for deficiencies in one performance area by exceeding expectations in another.

On May 24, 2022, Commissioner Hamm sent a letter to Chief Benefield, APOSTC's Executive Secretary, and submitted a proposal with Troy's recommendations and ADOC's request for changes to the PAAT requirements. The APOSTC Commission approved ADOC's request to modify the PAAT for ADOC Correctional Officer Trainees (“COT”). A conditional approval of the proposal was given by Chief Benefield on June 15, 2022.

Beginning October 1, 2022, APOSTC Academies began offering the new correctional standards for officer candidates. ADOC hopes this will result in increased average passing rates for participants. In the first COT class of 2023, three (3) CSO's have met the new requirements and graduated the Academy. In the second COT class of 2023, one (1) CSO has met the new requirements and is scheduled to graduate. The Internal Monitor reviewed data for the Academy classes conducted since the implementation of the modified PAAT. The revisions are having a positive impact on the failure rate overall. Currently, the new PAAT requirements have been applied to three classes in this reporting period:

- APOST Class 2023-01-January 30, 2023—consist of 24 trainees; 12 females and 12 males. Two females failed the physical fitness requirements.
- APOST Class 2023-01*-Lateral/Refresher-May 15, 2023—five out six refresher candidates attempted and passed the physical requirements. One candidate withdrew/not tested.
- APOST Class 2023-02-April 17, 2023-three female failed the physical agility course out of 17 female Trainees.

ADOC made a formal request to the APOST Commission to allow ADOC candidates enrolled into the Academy as COTs to have a longer timeframe to meet PAAT requirements. Previously, COT's were required to meet APOSTC PAAT standards in the first week of the Academy. On May 10, 2023, the APOST Commission approved the request from ADOC. Beginning with the third COT class of 2023, COT candidates will have until the sixth week of the Academy to meet APOSTC PAAT standards. The Internal Monitor encourages ADOC and

Tutwiler to monitor the results for the new PAAT standards to gage the impact on recruitment, hiring, and successful completion of the Academy. In addition, the Former Monitor suggested, and the Internal Monitor concurs, that ADOC and Tutwiler contact the potential candidates that failed the old PAAT standard and advise of the revised agility testing.

Staff Retention Initiatives

As discussed in the former compliance report, ADOC and Tutwiler continue to focus on and address staffing and retention. The Women's Services Strategic Plan includes specific goals that target staff physical and mental health and wellness, as well as strategies and incentives to promote employee retention. Some of the initiatives to date, have included:

- Initiated a wellness committee to regularly develop ideas and initiatives that support staff wellness.
- Implemented a staff yoga program.
- Provided health and wellness information to all staff, including the posting of information and workshops on health-related topics.
- Completed the staff wellness center within the new Women's Services Regional Training Center by installing physical fitness equipment.
- Implemented mandatory debriefs for all critical incidents.
- Maintained a process to manage mandatory overtime.
- Administered job satisfaction surveys to staff members and used that feedback to guide decisions regarding staff retention.
- Conducted supervisory workshops that included content addressing recruitment and retention strategies specific to the Women's Services Division.
- Maintained break away areas which allow staff to gather, in private, away from inmates.
- Maintained an area for employees to provide shift updates.
- Continued employee recognition activities quarterly (at a minimum).
- Continued to identify higher leadership opportunities for non- security

personnel.

- Constructed a new parking lot to address the extreme shortage of on-site parking for employees.

The Women's Services Strategic Plan is currently being updated. The Internal Monitor has requested a copy of the Women's Services Strategic Plan once approved.

Staff Survey

Tutwiler continues to use RippleWorx to survey staff. There is no update to the information reported in Compliance Report Fifteen. Compliance Report Fifteen stated:

[Participants could use] ADOC mail system or facility-based computer to participate in a survey, employees can download the RippleWorx application to cell phones and access a weekly survey. The application is very easy to use and very accessible. The expectation is that given this degree of accessibility, this platform will increase staff participation in surveys. Some of the initial questions posed to staff address general wellness and workplace issues. As the questions evolve and become more targeted, the data will be captured over time to be analyzed with the goal of improving recruitment and retention of the workforce.

ADOC and Tutwiler will continue to use the RippleWorx application to administer staff survey.

Training

The Internal Monitor received training logs for staff at Tutwiler. The training logs documented the date new staff attended the required Gender Responsive and PREA Training. Tutwiler is doing an outstanding job with ensuring new staff attend the required training. Annual Training for Tutwiler Staff is still being facilitated for the 2023 training year. Deputy Commissioner Mautz advised the Internal Monitor that staff training is on target for completion by year end. Deputy Commissioner Mautz informed the Internal Monitor that a confirmation of training completion for Tutwiler staff will be submitted upon the completion of the 2023 training year.

Per the Consent Decree, medical and mental health staff are expected to receive specialized

PREA training. In addition, medical and mental health staff are required to attend the Gender Responsive and PREA training conducted by Tutwiler Staff Trainers and ADOC's Annual Training. The Internal Monitor received and reviewed the medical and mental health certificates of completion for the required training, confirming staff completed the required PREA training. Tutwiler should be encouraged to ensure all new staff are scheduled for the specialized training within the timeframe according to policy, especially the new inmate health care contract provider YesCare's staff.

Gender-Responsive Risk/Needs Assessment, Classification and Programming

In accordance with the Consent Decree, section III.F, consistent with constitutional standards, ADOC and Tutwiler had to develop and implement a classification process including custody classification, risk/need assessment, and screening for risk of vulnerability or perpetration of sexual abuse or sexual harassment and use that information to inform housing, bed, work, education, and program assignments with the goal of maximizing safety. AR 454, *Inmate Sexual Abuse and Harassment (Prison Rape Elimination Act (PREA))*, states all inmates will be screened for potential risk of sexual vulnerability or sexual aggression within seventy-two (72) hours of transfer. The Classification Specialist or authorized designee will complete the TPFW SOP 8-12, Form A, *PREA Risk Factors Checklist*, by interviewing the inmate and using all available information regarding prior history. Those inmates who are deemed to be potential victims or potential predators will be referred to a mental health professional for further evaluation and final designation. Those identified as neither a potential victim or potential predator will require no further action. PREA identifications will be used for internal classification decisions to protect inmates from potential victimization. This screening must be re-administered 30 days after initial administration. In accordance with the National PREA standards, women identified on the PREA

Risk Factors checklist as having experienced prior sexual victimization or having perpetrated sexual abuse in the past shall be offered a follow-up appointment with mental health within 14 days of the screening. ADOC and Tutwiler developed the Women’s Risk Needs Assessment (“WRNA”) to meet the Consent Decrees requirements. The WRNA is a validated, gender-responsive risk and needs assessment system used to assess adult women offenders at various decision points across the criminal justice system with the goal being reduction of recidivism through treating the identified risk factors and utilizing the identified strengths of the offender. ADOC implemented the WRNA at Tutwiler.

Table 7 reflects inmates classified in the categories of Medium, Minimum (including Minimum-In and Minimum-Out) and Minimum Community. These numbers do not include inmates classified as close custody or not classified due to recent intake. From the last report on December 31, 2022, the number of medium custody inmates decreased, while minimum custody and community custody inmate numbers increased. The shifts in custody level are minor differences with the majority of community custody inmates moving to other facilities for program participation and work release. Inmate custody levels from August 1, 2016, to June 30, 2023, according to the WRNA is presented in **Table 7**.

Table 7: Periodic Results of Tutwiler Gender-Responsive Classification by Custody Level

Security Level	8/1 16	11/11 18	11/26 19	12/31 20	5/31 21	12/31 21	5/31 22	6/30 22	12/31 22	6/30 23
Medium	30%	20%	16%	19%	17%	17%	30%	29%	32%	31%
Minimum	47%	0%	73%	67%	70%	68%	67%	67%	64%	65%
Community	23%	10%	11%	14%	13%	15%	3%	4%	3%	4%

Table 7 reflects inmates classified to Medium, Minimum (includes Minimum-In and Minimum-Out) and Minimum Community, excluding Close Custody. According to the data noted in **Table 7**, the June 30, 2023, reporting period, medium custody inmates has decreased, while minimum custody and community custody numbers have increased. As noted in **Table 7**, in August 2016, 47% of Tutwiler inmates were classified as minimum, compared to 65% classified as minimum during the current Reporting Period. In addition, minimum community is currently 4% which decreased by 1% compared to the previous reporting period of December 31, 2022. Minimum community numbers show a reduction from August 2016. Inmates with minimum community are transferred to other facilities for program participation and work release.

Validation of a new classification instrument is a requirement of the Consent Decree (III.F.2). The validation study for the WRNA continues to be conducted by the University of Alabama and Auburn University. The Internal Monitor received an update on the WRNA validation process. Assessment of the reliability of the WRNA intake/reclassification and pre-release instruments is complete. It has been established that the instruments and their administration are reliable at Tutwiler. The collection and coding of WRNA administration data is completed. Intake, reclassification, and pre-release WRNA data collection is complete (with sample sizes of 500, 400, and 400 respectively, see **Tables 1** and **2**). The infraction data collection for the intake and reclassification samples are completed. Validity assessment of the two samples is being conducted, as well as analyses to address other research questions from the research proposal. Preliminary validity assessments of the WRNA intake and reclassification administration data are presented within this report. Infraction data collection for the pre-release samples is ongoing. In terms of process, the research team (including ADOC-representatives) meets biweekly to monitor the study's progress, address study challenges, and plan ongoing tasks

toward study completion. ADOC research liaison continues to relay recidivism data incrementally for the pre-release sample at scheduled timepoints. The team will begin coding data as this transfer process is complete (final transfer of data was scheduled for October 25, 2023).

The completion of eighteen-month infraction data collection was projected for October 2023. At that juncture, a follow-up analysis will be conducted, and a report issued. The estimated date for the final report for this study is January 25, 2024.

ADOC and Tutwiler continue to meet all requirements for developing a gender-based classification system. Only the validation of the instrument remains. Final validation of the WRNA will confirm the instrument's reliability and confirm it accomplishes the intended goal. ADOC, Tutwiler, and the research team have worked diligently towards completing this task. Currently, ADOC and Tutwiler remain in partial compliance with this settlement requirement.

Programming

Tutwiler is maintaining the facilitation of the evidence-based programs that are gender specific and responsive to the programming needs identified by the WRNA. The following programs are currently being facilitated at Tutwiler:

- **Getting Ahead While Getting Out:** A twelve- week re-entry program designed to engage the offender, her family, volunteers, community, and staff in problem solving for a successful transition to the community. Currently seven women are enrolled, and six women graduated during this reporting period.
- **Helping Women Recover:** A seven-week program 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. Thirty-one women graduated during this reporting period and six are currently enrolled.
- **Beyond Trauma Program:** A six-week program that incorporates the latest research in neuroscience, trauma, and post-traumatic stress disorder. This program also incorporates cognitive behavioral techniques, mindfulness, expressive arts, and body-oriented exercises. Seventeen

graduated and four are currently enrolled.

- **Beyond Violence Program:** This program focuses on emotional regulation of anger. It addresses both violence and trauma that women have experienced, and the violence they have perpetuated. Seven women graduated from this ten-week program in this reporting period. Currently, there are four enrollees.
- **Active Adult Relationships:** This six-week 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. Sixteen women graduated from this program during this reporting period and eleven are currently enrolled. Tutwiler is committed to monitoring these data and working to increase participation in this particular program.
- **Moving On:** A 12-week program that provides both educational and cognitive skill building approaches to help women at risk of future criminal justice involvement find alternatives to criminal activity. This program supports women as they mobilize and build personal strategies, natural supports, and community resources. Eleven women are currently enrolled, while sixteen graduated recently.
- **Parenting Inside Out:** This twelve-week program teaches parent management skills to incarcerated parents. This program also helps to promote healthy child adjustment, prevent problem behavior, and stop the intergenerational cycle of criminal justice involvement. Six women graduated this program during this reporting period. There are six current enrollees.

All classes are facilitated in the Activity Center which is a multi-purpose space. The Activity Center is used for inmate visitation and other activities and programs including, but not limited to: Yoga, Literacy, Music Education, Journalism, Study Hall, Poetry, Grief/Loss, Arts and Crafts, Art Therapy, Bingo, etc. In addition, the beauty salon for the inmate population is in the Activity Center.

In September 2020, Auburn University proposed a four-year degree program to take place at Tutwiler. Orientation was held on February 14, 2022, for fifteen women that were accepted into the program, and classes commenced on February 22, 2023. As of the August 16, 2023,

compliance visit, all but one of the original enrollees were still enrolled and engaged in the program and a second cohort of twelve women had begun. Tutwiler inmates also have access to additional learning programs on Personal Education Devices (“PED”s) which can access additional learning programs.

Inmates' Right to Privacy

During the current reporting period the Internal Monitor received no complaints from inmates of inappropriate cross-gender viewing or searching by staff. Transgender inmates continue to shower privately in the Health Services Unit and no concerns were reported. However, the bathrooms maintain a concern due to being the area where rule violations frequently transpire. Cameras are not installed in the bathroom areas due to privacy concerns. However, to deter rule violations Tutwiler has added a Utility officer post. The purpose of the Utility Officer is to provide security by roving dorms where incidents are occurring to include the bathrooms. The Internal Monitor encourages that security staff continue to monitor the activities in the bathroom area and address suspicious activity. The monitoring of grievances and incidents for patterns are reviewed during the SAIRC, QI and Use of Force review meetings. I concur with reviewing the disciplinary process for incidents that transpired in the bathroom. The sanctions for bathroom incidents with a guilty finding may need to generate from the high-level charges to discourage inmates from violating policy in the bathroom. I suggest adding the information referencing no tolerance for bathroom incidents to all inmate forums: inmate orientation, inmate newsletter, warning posters in the dorm, Dorm Rep Meetings, and inmate PEDs. The more it is discussed, reiterated, and shown that Tutwiler will not tolerate policy violations occurring in the bathrooms, it is possible that the incidents will decrease. The bathroom areas are complicated. Adding audio in the bathroom area will project the high volume of noise that transpires and/or created by inmates in that area.

Inmate Polling

According to the Consent Decree, Section IV.C. instructs ADOC and Tutwiler to establish a system wherein inmates are routinely polled regarding their perceptions of the implementation of the specific terms of the agreement to include: 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. ADOC and Tutwiler established a system of conducting routine inmate polling.

On August 9, 2017, ADOC entered a Memorandum of Understanding (the “MOU”) with Auburn University to facilitate the administration of inmate polling. DOJ and the Former Monitor finalized the review of the MOU on October 24, 2017. The inmate survey questions used a five-point Likert scale where inmates’ responses are limited to: strongly disagree, somewhat disagree, neither agree nor disagree, somewhat agree, strongly agree, except for questions addressing basic demographics. The polling in May 2022 invited four hundred sixty-five (465) women to participate in the survey. However, only one hundred twenty-three (123) women completed the poll yielding a twenty-six percent response rate. The Former Monitor found the overall value of the surveys to be questionable due to the low response rate and the number of respondents who selected the response neither agree nor disagree with polling questions. Currently, Auburn University no longer conducts polling on behalf of Tutwiler. ADOC currently has a contractual agreement with The Moss Group to facilitate inmate surveys.

The latest inmate polling was conducted by the Moss Group on February 23-24, 2023. The results of the February inmate polling were posted around the facility. The notice included the following highlights:

- A total of two hundred seventy-seven (277) inmates participated in the survey.
- Thirty-nine (39%) percent of respondents reported feeling emotionally safe.
- Forty-five (45%) percent feel physically safe.
- Sixty-five (65%) percent of respondents feel sexually safe.
- Sixty percent (60%) of respondents believe inmates use PREA to falsely report incidents against staff.
- Sixty-eight (68%) percent of respondents believe inmates use PREA to falsely report incidents against other inmates.

In addition to the routine Likert scale surveys, ADOC added an open-field comment box at the end of the survey. The comment box had a character limit but allowed inmates to provide comments outside the multiple-choice survey. A total of forty-two (42) participants, or roughly fifteen percent (15%) of survey participants, left a comment. The comments could be classified into the following categories:

- Positive Feedback
- Complaints about staff
- Complaints about other inmates
- Personal grievances (i.e., medical)
- False PREA allegations
- Safety concerns: drugs and contraband; Racial disparities and being treated differently.

The survey results reflected that false PREA incidents were prevalent at Tutwiler. It is known that Tutwiler has a zero tolerance for sexual abuse and sexual harassment; therefore, the

inmates take advantage of the tool for personal gain with the false PREA reports. The majority of the inmates that took the survey agreed to the fact that inmates use PREA to falsely report sexual assault and harassment, and that a vast majority identified that they do know how to report problems with staff, contractors, or volunteers and inmate sexual harassment and sexual abuse. In the survey comments section, one inmate reported that abuse occurs in the bathroom and alluded to Tutwiler being short of staff. False PREA incidents were a concern in the former compliance report as well. The Internal Monitor would like for Tutwiler to revisit the suggestions made to assist in eliminating false PREA in the former compliance report:

- The need for aggressive follow-up and disciplinary action for those who make false allegations or engage in sexual abuse, use/abuse of drugs, general misconduct, physical and/or mental abuse.
- Mental health care for inmates and staff.
- Drug rehabilitation and withdrawal management.
- Limiting/stopping the influx of drugs.
- Use of service dogs and emotional support animals.
- Need equal numbers of male/female officers to do surprise checks/walk-through at random times.
- Pay extra attention to problem areas/times, including late night on 3rd shift; bathroom/shower areas and back areas of the housing dorms when fewer female Correctional Officers are on shift.

Risk Management System

In compliance with Section IV.D of the Consent Decree, 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) staff conduct involving inmates, including the use of sexually explicit, vulgar, or degrading language; and (3) use of force incidents. Section IV.D.3 requires ADOC and Tutwiler to aggregate the RMS data collected on a quarterly basis.

During the compliance visit, the Internal Monitor observed the well-organized documents and reports that included all pertinent information. Section IV.D.6 of the Consent Decree states that ADOC and Tutwiler will provide to the monitor and DOJ on a bi-annual basis a list of all staff members identified through the RMS, and any corrective action taken. 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. ADOC and Tutwiler will document their review and conclusions and provide them to the monitor and DOJ.

Tutwiler's RMS report summarizes the settlement requirements which are being utilized to collect, consolidate, analyze, and track data to assist with the prevention of sexual abuse and sexual harassment. Tutwiler's RMS report includes names of all staff and notes any allegations made against the staff member; date of incident, synopsis of the incident, action taken to include corrective/disciplinary. The RMS report gives an account for incidents that transpire at Tutwiler. The report is useful and being used to assist in identifying trends and patterns.

During the Reporting Period, ADOC received a total of twenty-five (25) alleged sexual abuse incidents and six (6) sexual harassments reports. Please note, the current reporting period spanned two (2) quarterly RMS reports that do not coincide exactly with a January – June review. For purposes of this discussion, the Internal Monitor analyzed data from the November 29, 2022 – February 28, 2023, and February 29, 2023 – May 28, 2023, Quarterly RMS Reports to account for the following summary:

Sexual Abuse and Sexual Harassment Incidents

- (11) Staff on Inmate: (4) unsubstantiated, (7) unfounded
- (14) Inmate on Inmate: (2) substantiated, (3) unsubstantiated, (9) unfounded
- (6) Sexual Harassment: (5) unsubstantiated, (1) unfounded

There were twenty-three (23) allegations of unprofessional staff conduct involving inmates, including sexually explicit, vulgar, degrading or racially insensitive, or offensive

language at Tutwiler:

- Sixteen (16) involved profane or vulgar language
- Four (4) involved offensive language
- One (1) involved sexually explicit language
- One (1) involved racially insensitive language
- One (1) involved degrading language

During the Reporting Period, as part of the retaliatory monitoring, no retaliatory treatment, or threats to inmates or third parties, including disciplinary actions against inmates or housing relocations, occurred. The staff discipline was initiated for a variety of rule violations ranging from, minor rule violations, failure to report to work, refusal of a supervisor's instruction to remain on duty, and leaving an assigned post without proper relief. The Internal Monitor concurs with the Former Monitor's concerns about on-going refusals to remain on duty and the failure to report that may be contributing to staffing shortages. There were sixteen (16) staff members written-up for refusing to remain on duty and/or failing to report to work. The Internal Monitor is concerned and suggests that alternative measures be created to assist with staff refusing to remain on duty. However, the Internal Monitor is confident that ADOC's Recruitment and Retention strategic plan will aid in this matter. Hiring and maintaining additional security staff will limit the need for staff to remain on duty once shift is completed. In addition, hiring additional security staff should decrease the discipline initiated on staff for not reporting or remaining on duty. ADOC's Recruitment and Retention plan is essential in satisfying the two provisions in the Consent Decree relating to staffing.

The RMS captured all Tutwiler staff who were allegedly involved in the unprofessional use of sexually explicit, vulgar, degrading, or racially insensitive or offensive language towards

the inmate population. According to the Former Monitor's compliance report, staff using unprofessional language has been an on-going concern. According to the previous compliance report, allegations involving the use of degrading, profane, racially insensitive language have been frequent. During this Reporting Period, of the twenty-three (23) allegations of degrading, profane, racially insensitive language, two (2) staff members received corrective action and three (3) staff members received a Policy Reiteration Memo. When repetitive allegations of staff using degrading, profane, racially insensitive language are unsubstantiated, a policy reiteration memo is given to the staff member. A policy reiteration memo involves a supervisor meeting with the staff member accused of using inappropriate or abusive language to reiterate policy. The meeting is established to reinforce Tutwiler's policy and provides additional training and coaching. The staff member is given the opportunity to comment, ask questions, and share their understanding of the respective rule violation. The staff member is given a reiteration memo that defines the conversation referencing policy requirements. The Internal Monitor suggests that the Warden meet with staff members with multiple occurrences of using degrading, profane, racially insensitive language, to reiterate policy and the written memo. Undoubtedly, the Warden's presence at the reiteration meeting with the staff member will reinforce the standards being implemented at Tutwiler.

The Internal Monitor suggests that ADOC and Tutwiler acquire a method to assist with capturing audio between staff and inmates. The Former Monitor suggested cameras with audio be mounted on the walls, or the use of body cameras with audio capabilities. Cameras with audio and/or body cameras could assist with the findings of alleged staff using degrading, profane, racially insensitive language. The usage of cameras with audio and/or body cameras may be beneficial in lowering incidents as whole. The Internal Monitor suggests that ADOC and Tutwiler

stay open to the prospect of purchasing technology to aid in nurturing a gender responsive informed facility.

The Internal Monitor reviewed a Use of Force Incident Report and two (2) Quarterly Risk Management Summary (RMS) reports available for Tutwiler during the Reporting Period. These reports contained allegations against seventy-nine (79) staff members (staff may have been involved in multiple incidents) allegedly involved in 106 use of force incidents during this timeframe. A breakdown of the total incidents reported during this reporting period as reflected in RMS reports includes:

- Twenty (20) incidents involving staff separating two or more inmates fighting;
- Thirty-two (32) incidents involving staff intervening to physically restrain a resisting inmate to apply restraints or redirect the inmate; and
- Fifty-four (54) incidents involving the application of restraints for escort purposes or to promote safety.

All the above incidents called for staff to intervene and use force to deescalate the incident, to include applying the application of restraints in several cases. Policy requires all Use of Force incidents to be investigated and reviewed with the security committee and security staff involved. The committee reviews the incident and the action along with techniques employed during the incident. Preventative measures are noted and discussed with the respective staff. Corrective action is initiated if the review reveals that staff violated policy. There were eleven (11) staff members recommended for corrective action due to violating the use of force policy during this reporting timeframe. The Internal Monitor recommends that Tutwiler's Executive Team continue to ensure all force used is mirroring the policy and refresher training is scheduled when needed.

Pursuant to the Consent Decree, on an annual basis, ADOC and Tutwiler shall also 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 (V.D.6.). The RMS annual review occurred in October 2023, and the results will be incorporated into the next monitoring report.

Sexual Abuse/Sexual Harassment Allegations

In accordance with Section III.K.5 of the Consent Decree, 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. The Internal Monitor received documentation that all LESD investigators have attended the required specialized training for investigating sexual abuse.

The Internal Monitor was present at the previous compliance visit in January 2023, during the LESD interview with Arnaldo Mercado, Director of ADOC's LESD, Agent Charday Jackson, Acting IG April Bickhaus, Supervising Agent Kelley Smith, and Special Agent Elizabeth Pilgreen. Director Mercado and the investigators were present to discuss PREA-related incidents that occurred at Tutwiler during the previous reporting period. During the meeting, Agent Supervisor Bickhaus disclosed that the IPCM at Tutwiler was conducting Inmate-on-Inmate Sexual Abuse investigations. Agent Bickhaus was informed that IPCM cannot investigate Inmate-on-Inmate Sexual Abuse cases due to violating the Consent Decree. According to the Consent Decree, Section III.K.5., the Department-wide PREA Coordinator and Tutwiler's PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

Agent Supervisor Bickhaus re-opened and re-investigated all previous incidents of Inmate-on-Inmate Sexual Abuse cases that were previously investigated by Tutwiler's IPCM. It is noted that at all times during this monitoring period, the IPCM did not investigate staff-on-inmate sexual abuse or sexual harassment complaints. LESD conducted Tutwiler's staff-on-inmate sexual abuse and inmate-on-inmate sexual abuse investigations. The IPCM conducts preliminary investigations

into inmate-on-inmate sexual harassment allegations. The IPCM closely monitors the management of reporting inmates and documents any allegations or instances of retaliation against those who report allegations.

There were thirteen (13) allegations of staff-on-inmate sexual abuse during the Reporting Period compared to fourteen (14) allegations made during the previous reporting period. Of the current allegations eight (8) were determined to be unfounded, and five (5) were unsubstantiated. There were twelve (12) allegations of inmate-on-inmate sexual abuse made during this reporting period. This is significantly fewer cases than the thirty-nine (39) allegations filed during the previous reporting period. Two (2) cases were substantiated, seven (7) were unfounded, and three (3) unsubstantiated. The decrease in total number allegations of inmate-on-inmate sexual abuse is a step in the right direction. It is apparent the creative educational activities conducted by the IPCM are still working. The Internal Monitor encourages ADOC and Tutwiler to continue the conversation and creativity that supports reporting factual information as it relates to PREA incidents.

IPCM James referred two (2) claims of staff-on-inmate sexual harassment. One (1) claim was unfounded, and one (1) was unsubstantiated. This is a decrease from the ten (10) allegations of inmate-on-inmate sexual harassment made last reporting period. During the Reporting Period, PREA related allegations of inmate-on-inmate sexual abuse decreased. The Internal Monitor was made aware of four (4) investigations that were re-investigated when the Office of the Inspector General (OIG) Agents returned to investigating allegations of inmate-on-inmate sexual abuse, which contributed to the extended timeframe. The Internal Monitor discussed the discrepancies with Supervisor Bickhaus and agents with OIG. The investigation process changed from the Office of the OIG back to LESD in August 2023. Based on meetings with Supervisor Bickhaus,

Director Mercardo, and Supervisor Brian Casey, the internal monitor confirmed ADOC identified operational concerns with processing PREA investigations through the OIG. ADOC took corrective action by returning the investigative process back to LESD. As a result, the Internal Monitor finds Tutwiler and ADOC remain in substantial compliance concerning compliance with PREA investigations. The Internal Monitor will continue to review and monitor the investigation process.

Grievances

The Internal Monitor reviewed randomly selected grievances out of the 727 grievances filed this reporting period. It is noted that the grievances decreased during this reporting period. The grievances decreased by approximately 104 compared to the previous reporting period. The grievances filed were complaints about various issues such as bed assignments, tablet issues, staff complaints, complaints about other inmates and phone pin numbers.

There was also a decrease in the number of PREA-related grievances. During the last reporting period, thirty-three (33) grievances were identified as PREA-related. During this Reporting Period, only five (5) PREA-related grievances were filed. In addition, there were ten (10) emergency grievances, filed during this Reporting Period. The emergency grievances decreased by thirteen (13) compared to the previous reporting period. PREA-related grievances appear to all have been handled according to policy, and all resources were used to assist with finding a remedy to all PREA-related grievance. All grievances are being channeled to the proper staff channels for responses. The surveillance cameras are being utilized to assist in finding the facts as it relates to grievances. Statements are received from all individuals listed in the grievance. In addition, the Grievance Officer keeps track of all pertinent information relating to the PREA grievances and maintains a tracking log. During the reporting period the Grievance Officer

referred five grievances to LESD for investigation.

Based upon the Internal Monitor's point of view and observations during the compliance visit, the new Grievance Officer, Sarah Hopkins has retained and applied the information learned for the position. Ms. Hopkins was trained by the former Grievance Officer, Tina Tyler. Ms. Tyler was promoted to the Departmental Grievance Director. During the compliance visit, Ms. Hopkins advised the Internal Monitor that she still consults with Ms. Tyler for grievance matters. The Internal Monitor recommends that the Warden continue to work closely with Ms. Hopkins because she is new to the position, and the grievance process can be demanding and overwhelming. In addition, the Internal Monitor recommends that Ms. Hopkins continue to familiarize herself with Tutwiler's policies and procedures along with the Consent Decree.

Inmates should be afforded avenues to report allegations of sexual abuse and sexual harassment in good faith without risk or fear of retaliation. ADOC has a website link for the public to file a PREA report online on behalf of an inmate. The inmates at Tutwiler have multiple ways to report allegations of inmate sexual abuse and sexual harassment. Also, ADOC and Tutwiler have a MOU with Alabama Coalition Against Rape ("ACAR") for confidential counseling support. There is a toll-free number for inmates to call ACAR. All calls made by inmates to ACAR are confidential. ACAR advises inmates to use ADOC's and Tutwiler's reporting methods for allegations of sexual abuse or sexual harassment. In addition, Inmates can have a third-party assist with filing a grievance of sexual abuse and sexual harassment. LESD investigates all grievances that contains allegations of inmate-on-inmate sexual abuse, staff on inmate sexual abuse, or staff-on-inmate sexual harassment. The IPCM will only investigate a grievance that contains allegations of inmate-on-inmate sexual harassment. ADOC entered into an agreement with the Alabama Department of Economic and Community Affairs ("ADECA"), to take reports

from Inmates as it relates to sexual abuse and/or sexual harassment. The Inmates may make a report by dialing *6611, from any inmate phone in the facility. The caller does not have to leave a name. The report can be made anonymously. ADOC's PREA Director receives the report from ADECA and forwards the information to the IPCM. The IPCM maintains the call log spreadsheet with the nature of the call along with the outcome/action taken. The Internal Monitor reviewed the call-logs and ADOC's responses.

There was a total of twenty-six (26) calls made to ADECA's hotline during the Reporting Period. There were twenty-six (26) calls made to ADECA's hotline during the previous reporting period as well. The IPCM advised all calls received were logged on the tracking spreadsheet. Tutwiler administration followed up on the allegations/complaints and the responses were appropriate.

Access to Feminine Products and Toilet Paper

During the compliance visit, the Internal Monitor received no complaints referencing feminine products, nor toiletry items. The Internal Monitor met with the Housekeeping Supervisor, Lieutenant Leroy Yelder. Lieutenant Yelder explained the process for issuing feminine products, toiletry, and hygiene items. In addition, Lieutenant Yelder advised the Internal Monitor that the inmates will receive feminine products, toiletry, and hygiene items at any time upon request. There were no complaints about access to either tampons or toilet paper during the Reporting Period; however, an inmate that identifies as transgender, did file a grievance referencing that he did not get male hygiene items as requested. The response to the grievance stated that he would receive state issue hygiene items and be considered for donated items if available. The Internal Monitor suggests issuing Transgender inmates the approved hygiene items and the response to the grievance be in accordance with policy.

Alabama Strengths

Alabama Department of Corrections and Tutwiler have built a strong foundation in maintaining substantial compliance in 41 of the 44 provisions of the Consent Decree. ADOC and Tutwiler continue to progress in satisfying the three 3 remaining provisions. ADOC and Tutwiler have demonstrated leadership and determination in doing what is needed to become substantially compliant in all forty-four (44) provisions of the Consent Decree as outlined in this report. That strong foundation, leadership and determination define the following organizational strengths.

Leadership from the Alabama Department of Corrections

On March 7, 2023, ADOC media released, Commissioner Hamm's priority projects include, but are not limited to building new prison facilities; implementing a modern inmate management system; streamlining the correctional officer hiring, retention, and training processes; and actively supporting the reinstatement of Tier 1 retirement benefits for all employees. Deputy Commissioner Elizabeth Mautz has exemplified her leadership ability to lead ADOC and Tutwiler through the process of the Consent Decree. Deputy Commissioner Mautz is committed to building a positive and professional relationships between leadership, staff, stakeholders, and the inmate population. Dr. Mautz's approach exemplifies "We can achieve our goals by working together." The Internal Monitor works closely with Deputy Commissioner Mautz. Deputy Commissioner Mautz and the Internal Monitor meet weekly to discuss occurring events and activities at Tutwiler that are relevant to the Consent Decree.

Tutwiler Leadership

Ms. Katrina Brown, Warden II is the Interim Warden at Tutwiler. Warden Lagreta McClain was promoted to Regional Director. Regional Director McClain oversees Tutwiler from the central office level. Regional Director McClain is very knowledgeable of the Consent Decree

requirements. Warden Brown is being guided through the settlement requirements by Regional Director McClain. Warden Brown has worked at Tutwiler previously. Therefore, she is familiar with Tutwiler and most inmates. In addition, Ms. Felisha Blanding serves as Warden I and is a great resource to Warden Brown. Warden Blanding was previously Tutwiler's IPCM and Compliance Captain. She has a wealth of knowledge as it relates to the Consent Decree and PREA requirements.

The fourth Captain position has been filled by Tremaine Baldwin. Captain Baldwin was assigned to Tutwiler prior to his promotion, giving him needed experience and familiarity with the inmates. He is also knowledgeable of the policies, procedures and PREA requirements. The inmate population knows Captain Baldwin, and he knows the inmate population. Therefore, the Internal Monitor believes Captain Baldwin will continue implementing gender responsive strategies and practices.

In addition, Tutwiler is setting an example for other women's facilities. Tutwiler has been selected by the nationally recognized Urban Institute as one of five case study sites to highlight promising practices and programs addressing incarcerated women and their experiences with past trauma and victimization.

Extension of Onsite Locations

In March 2023, ADOC began an extension of the on-site program in effort to offer onboarding events on a more frequent opportunity and at a more local level. In addition to the on-site events mentioned above, ADOC has started to host local "Meet and Greet" events in the following locations: Atmore Training Center in south Alabama, Wetumpka Training Center in central Alabama, Birmingham Training Center in north central Alabama, and Limestone Correctional Facility in north Alabama. These events are hosted on a weekly basis and by

invitation only for COT applicants. ADOC is hopeful that this effort will generate potential candidates for COT positions at Tutwiler.

Salary Increase

ADOC has been providing a pay differential for APOSTC certified employees based on the security classification of the facility they are assigned. ADOC now has the approval from State Personnel to also give pay differentials to support job classifications and non-APOSTC security classifications. ADOC believes this will be of benefit to improving and maintaining staffing levels in Women's Services facilities. These changes went into effect in January 2023. Refer to **Table 8** 'Annual Salary Progression explanation.'

ADOC Consultants

As in previous court reports, ADOC and Tutwiler continue to partner with outside expert consultants to get assistance in several specific areas. Specifically, the expert consultants have partnered with ADOC and Tutwiler in the development of:

- Gender-based classification plan
- Programming
- Staffing analysis
- Inmate polling/survey process
- Data collection
- Validation of the WRNA
- Staff training and mentoring
- Inmate education
- Development of a staff recruitment and retention plan
- Implementation of the Applicant Pro Tracking System, a software designed to assist in the hiring management process.

ADOC Women's Services Division Strategic Planning Committee

ADOC Women's Services Strategic Planning Committee has made the revisions to the guide. ADOC and Tutwiler continue to be intentional about maintaining the Strategic Plan for sustainable practices for the women offenders and staff. The 2023-2025 Strategic plan is currently in the review process.

Alabama Challenges

Tutwiler Facility

Tutwiler's infrastructure continues to be a main challenge and presents a hinderance to progressing in many areas. There is limited space for inmates in the living quarters and dayroom areas, options for program space, recreational areas, and a conducive visiting area. There are ongoing maintenance challenges throughout the facility, including increased efforts to manage climate control inside of the facility during warmer and cooler months. Such an old design and aging infrastructure has the potential of negatively impacting staff and staff retention as well.

Population Capacity

Tutwiler's main campus original design had an operating capacity of three hundred-fifty (350). The annex original design had an operating capacity of one hundred twenty-eight (128). Currently, the operational capacity is seven hundred nineteen for the main campus, two-hundred fifty at the annex and fifty-six at the Intake Facility. Tutwiler count (including court and out-gate) on June 30, 2023 was:

- Tutwiler count: 534, up from 474 on January 30, 2023
- Annex physical count: 237, up from 195 on January 30, 2023
- Quarantine Intake Facility: 54, up from 51 on January 30, 2023
- Total: 825, up from 720 on January 30, 2023. There has been an increase of 105 inmates during the Reporting Period.

Staffing Challenges-Overall Vacancies and Recruitment and Retention of Women

The Internal Monitor recognizes the continuous and increasing number of staff vacancies at Tutwiler. ADOC and Tutwiler are aware that insufficient staffing levels can compromise the safety and security of staff and inmates. When staff members are stretched thin due to the low level of staff, it often leads to increased workload and/or extended work hours which can lead to burnout, fatigue, and reduced job performance. Subsequently, chronic staff shortages make it difficult to attract and retain security personnel. ADOC and Tutwiler are taking a comprehensive approach to combat staff shortages. ADOC and Tutwiler are expanding recruiting and retention efforts, increasing salary for staff, offering additional training along with professional development opportunities. The Applicant Pro tracking system for potential Correction Officer Trainees is assisting with the recruiting efforts. The effort of ADOC and Tutwiler is commendable, however, staff shortages still exist. The below information depicts the **vacancy rate** from the first court report to present date:

- First court report: 50%
- June 30, 2020: 36%
- December 31, 2020: 33.75%
- June 30, 2021: 21.6%.
- December 31, 2021: 31.5%.
- June 30, 2022: 38.8%
- December 31, 2022: 45.7%
- June 30, 2023: 56%

ADOC and Tutwiler continue to implement creative ways to combat the staff shortages. In 2016, Tutwiler leadership implemented a mandatory overtime policy to adequately staff key

posts. Tutwiler has had many challenges with mandatory overtime from staff. However, ADOC and Tutwiler understand that mandatory overtime is temporary, and is hopeful that the new recruiting efforts and pay increase will produce more staff in the near future. During this reporting period, Tutwiler has used a total of 30,942.25 hours of overtime by line staff and by supervisors. The use of overtime for supervisors 6,249.50 hours this reporting period, whereas the utilization of overtime by line correctional staff was 24,692.75.

Physical Agility/Ability Test (PAAT)

The APOSTC physical standards have contributed to Tutwiler recruitment and retention problems. ADOC and Tutwiler are optimistic about the APOSTC PAAT pilot program assisting with recruitment of additional staff. PAAT was discussed above in this Report.

Recruitment Initiatives

ADOC continues the recruiting efforts through advertising, the use of social media, and collaboration with other state agencies to promote career opportunities in ADOC. The advertising budget was increased to create a greater advertising presence on television, radio, newspapers, and public billboards. All upcoming tests and locations are on ADOC's website.

ADOC's Recruitment Unit continues to organize job fairs focusing on the recruitment of security staff. The Internal Monitor received an update on the short- and long-range recruitment and retention strategies outlined in the Office of Administrative Services ("OAS") recruiting and retention strategic plan for Tutwiler. In March 2023, ADOC began an extension of the on-site program in an effort to offer onboarding events on a more frequent opportunity and at a more local level. In addition to the on-site events mentioned above, ADOC has started to host local "Meet and Greet" events in the following locations: Atmore Training Center in south Alabama, Wetumpka Training Center in central Alabama, Birmingham Training Center in north central

Alabama, and Limestone Correctional Facility in north Alabama. These events are hosted on a weekly basis and by invitation only for COT applicants.

ADOC and Tutwiler are currently working with Horizon Point Consulting for recruitment and retention. Horizon Point Consulting assisted ADOC with the implementation of Applicant Pro Tracking System along with other recruitment and retention strategies. In addition, Tutwiler is continuing to work with the Moss Group on addressing employee recruitment and retention. The Moss Group worked with ADOC Women's Services strategic planning sub-committee to develop a recruitment and retention plan for ADOC Women's Services. The recruitment and retention plan contains two sections, "Retention: Re-recruiting Staff" and "Recruitment: Making the Most of the Market." These strategy plans include many practical strategies and objectives. To implement these plans small committees have been established to implement approved recommendations at the facility level.

Based upon an ADOC press release, dated March 7, 2023, Commissioner Hamm's agenda, going forward, includes: building new prison facilities; implementing a modern inmate management system, streamlining the correctional officer hiring retention, and training processes; and actively supporting the reinstatement of Tier I retirement benefits for all employees. ADOC has been working closely with the State Personnel Department, with the full support of Governor Kay Ivey, to overhaul salaries paid to existing and prospective employees in ADOC's Correctional Officer classification series. Successful initiatives so far include:

- (1) Increase in starting salary for Correctional Officer Trainees
 - \$55,855 at maximum security facilities
 - \$53,245 at medium security facilities
 - \$50,712 at Work Release/Community Work Centers
- (2) Pay Grade/Salary Increase for Current Correctional Officers
- (3) The new pay grades will allow additional steps for pay progression.

- (4) New promotional classification established Correctional Security Guard Senior is a newly established promotional classification.
- (5) Expanded location differentials. The expansion of location differentials for medium and maximum- security facilities now includes support staff in addition to correctional officers.

The following **Table 8** lists the revised salaries for Tutwiler's Officers.

Table 8: Annual Salary for those working in the correctional officer classification series at maximum security facilities.

CLASS_ ANNUAL SALARY	SALARY PROGRESSION EXPLANATION	
Correctional Officer Trainee	\$55,855.20	Starting Salary
Correctional Officer Trainee	\$58,692.00	Completion of COT Probationary Period (6 months)
Correctional Officer	\$61,660.80	Promotion to CO (after COT Probationary Period)
Correctional Officer	\$64,735.20	Completion of CO Probationary Period (6 month
Correctional Officer Senior	\$67,972.80	Promotion to CO Senior (after CO Probationary Period)
Correctional Officer Senior	\$71,412.00	Completion of CO Senior Probationary Period (6 months)

Logistics

Compliance Assessment

The purpose of the August 16, 2023, compliance assessment was for the Internal Monitor to observe, verify and document Tutwiler's adherence to PREA Standards and guidelines along with the Consent Decree to compile findings for the compliance report. The details of the compliance visit were coordinated with assistance from Deputy Commissioner Mautz.

Internal Monitor's Actions to Conduct This Compliance Assessment

The Internal Monitor completed this assessment report through the following actions:

- (1) Familiarize with PREA Standards, the Consent Decree along with provisions, and the monitoring tool. Reviewed the requirements for prevention, detection, response, and monitoring of sexual abuse and sexual harassment.
- (2) Develop an assessment plan: created an assessment plan that outlines scope, timeline, and methodology of the assessment. Determined which aspects of the facility operations will be assessed including requesting and examining specific documents (Administrative Regulations, Tutwiler Standard Operating Procedures, Incident Reports, Use of Force Reports, grievances, PREA complaints and various staff/facility reports, spreadsheets, and logs, etc.).
- (3) Conducting formal and informal interviews with specific ADOC and Tutwiler staff with responsibilities for settlement implementation.
- (4) Requesting and reviewing information, documents, and investigations to review allegations from inmates and to assess the process.
- (5) Conducting formal and informal interviews with inmates.
- (6) Communicating and Meeting with ADOC and Tutwiler relating to the settlement and compliance requirements
- (7) The Internal Monitor sent the first draft of the narrative report to all parties on December 5, 2023.
- (8) The narrative summary and tool will be submitted to the court on or before January 5, 2024.

Closing Observations

The Internal Monitor appreciates Dr. Mautz, Deputy Commissioner for Women's Services, professionalism, and commitment in leading ADOC and Tutwiler towards the goal of substantial compliance in all forty-four provisions. Dr. Mautz is commended for the prompt responses to the inquires, questions, emails, and requests. The Internal Monitor made many requests for documents that the Tutwiler team had to compile. The Internal Monitor also appreciates Warden Brown and

her staff for all the cooperation received during the onsite compliance visit. The Internal Monitor recognizes Women's Services Division and Tutwiler leadership's commitment to fully implement the Consent Decree and evidence-based gender specific practices at Tutwiler. ADOC and Tutwiler Leadership have demonstrated a commitment to quality improvements. The Internal Monitor acknowledges all the hard work that has been done to establish and accomplish the improvements at Tutwiler during the process of complying with the Consent Decree.

Responses to Former Monitor's Recommendations

The Court requested the Internal Monitor to review and respond to the Former Monitor's recommendations concerning recruitment and retention. Below are the Former Monitor's recommendations and followed by the Internal Monitor's responses:

1. The [Former] Monitor recommend[ed] ADOC explore the possibility of working with either a local provider or a nearby academic institution to establish an on-site daycare center for Tutwiler staff.

RESPONSE: The Internal Monitor does not agree with the recommendation to provide or partner with a daycare center for staff. The Internal Monitor strongly feels it is imperative for ADOC to appropriate the limited funds, strategically. ADOC risks serious financial losses in the event of an accident or adverse situations that may arise from operating and/or partnering with a daycare center. Staffing a daycare is a great concern of the Internal Monitor; considering, ADOC maintains partial compliance with two (2) provisions in the Consent Decree referencing staffing. An additional facility to staff, could possibly add to ADOC and Tutwiler's staff shortage. The Internal Monitor feels that having Tutwiler staffs' children at the same daycare location could possibly contribute to staff shortages if multiple employees must call out due to a contagious illness (like COVID, flu, etc.) that prevents the center from operating. In addition, the Internal Monitor

feels, the work environment could possibly be affected if a problem stimulates from the daycare facility. In the Internal Monitor's professional opinion, it would not be beneficial for ADOC to implement this recommendation at this juncture.

2. The [Former] Monitor recommends ADOC establish a system to track individuals who attend job fairs to determine which applicants enter ADOC's workforce. Additionally, the [Former] Monitor recommends conducting follow-up interviews with individuals who did not complete the hiring process to determine what factors deterred their eventual employment.

RESPONSE: The Internal Monitor concurs with the former Monitor's recommendation to establish a system to track and follow-up on potential candidates for correctional officer positions, and ADOC has adopted the recommendation.

ADOC has collaborated this recommendation with its consultants and implemented a tracking system called Applicant Pro Tracking System. The Applicant Pro Tracking System allows ADOC to track all applicants and post available positions to electronic job sites. ADOC began to use the Applicant Pro System in April 2023. The Applicant Pro System tracks an applicant from the initial On-Site through the entire hiring process. In addition, the system has the capabilities to track applicants that do not complete the hiring process. Those individuals are contacted by a member of ADOC Recruiting Unit. The Recruiter is required to make three follow-up attempts to contact an applicant that did not show or complete the hiring process. All follow-up information is captured in the Applicant Pro System. If contact is not made with a candidate within three attempts, the information is archived in the system. The Applicant Pro System has many functions that is beneficial to the recruitment process.

The [Former] Monitor recommends reaching out to former correctional officer candidates who either voluntarily dropped out of ADOC's Training Academy or failed out based on the

original PAAT standards to inform them of the new standards applying to Academy classes after October 2022.

RESPONSE: The Internal Monitor concurs with the former Monitor's recommendation to establish a system to reach out to former correctional officer candidates, and ADOC adopted the recommendation.

ADOC and its consultants evaluated the Former Monitor's recommendation and developed a plan that would reach a multitude of potential applicants. The implementation of the Applicant Pro Tracking System gives ADOC the ability to reach many people, quickly. This system helps recruiters with tasks involve with the recruiting process. It is used to promote ADOC and its open positions, manages communication, collects data, and pushes information to different job boards. The system allows ADOC to eliminate a portion of the manual process that was time consuming, and it allows more time to concentrate on potential candidates that have shown interest in the respective job opening.

3. The [Former] Monitor recommends reaching out to individuals who voluntarily left employment with ADOC over the past few years to inform them of ADOC's change in the shift length at Tutwiler and of the revised practice concerning forced overtime affording staff more control over schedules.

RESPONSE: The Internal Monitor agrees with the recommendation to reach out to individuals who voluntarily left employment with ADOC, and ADOC has implemented this recommendation.

After Commissioner Hamm's announcement in March 2023 for ADOC's Correctional Officer classifications pay increases, ADOC contacted individuals that had previous left employment. ADOC has experienced a significant number of inquiries and interest for the

Correctional Officer Trainee position after the pay increases announcement. In addition, the ADOC Training Academy Classes enrollment increased since Commissioner Hamm's announcement for the pay raise for the Correctional Officer classifications. ADOC contributes the increase of inquiries and the Academy Class enrollment to the strategic focus on recruiting and retention.

4. The [Former] Monitor recommends monitoring the effectiveness of the Field Training Officer Program that provides additional support to newly hired officers for up to twelve (12) months following graduation from the Academy. The [Former] Monitor suggests this program may lead to increased retention and provides improved on-the-job training.

RESPONSE: The Internal Monitor agrees with the Former Monitor's recommendation to monitor the effectiveness of the Field Training Officer Program. The FTO Program will equip staff with a combination of knowledge, skills, and ability to perform his or her duties. ADOC has implemented this recommendation.

ADOC has collaborated on this recommendation with its consultants and implemented a Field Training Officer (FTO) Program. In June 2023, Tutwiler began the pilot for the FTO Program. Presently, the FTO Program is supervised by Lieutenant Christina Williams. The program is designed to begin the first day of hire with the FTO Supervisor guiding the new staff throughout the On-the-Job Training process. Currently, Tutwiler has new Officers enrolled in the FTO Program. The Internal Monitor will include the FTO Program progress in future compliance reports.

5. The [Former] Monitor recommends tracking which Correctional Officer Trainees ("COT") came from the Basic Correctional Officer ("BCO") rank to confirm if the new PAAT standards increased the ability for individuals to pass the PAAT to become COTs.

RESPONSE: The Internal Monitor agrees with the recommendation to track the new PAAT standard as it relates to Correctional Security Officers (CSO) promoted to Correction Officer Trainee (COT), and Tutwiler has implemented this recommendation. The internal monitor will receive the results of this tracking in the next staffing analysis.

6. The [Former] Monitor recommends exploring employees' hesitation to refer others to seek employment with ADOC.

RESPONSE: The Internal Monitor agrees with the recommendation to explore the hesitation from staff to refer others to ADOC. ADOC's consultants are evaluating obstacles and barriers to recruiting correctional staff, including internal issues that might impact recruitment and referrals of friends, family, or other persons for employment with ADOC. The Internal Monitor was informed that this inquiry will be included in the next staff survey. The Internal Monitor will provide information captured from the next staff survey in future compliance reports.

Additionally, the Former Monitor recommended exploring the options concerning operational concerns impacting staffing. Below are the Former Monitor's recommendations and the Internal Monitor's responses:

1. The [Former] Monitor recommends reviewing ADOC's capability to acquire audio capabilities on some wall-mounted cameras or explore the use of body cameras with audio capabilities to assist management's ability to hold staff accountable for their language when addressing female inmates.

RESPONSE: The Internal Monitor finds this recommendation to be appealing, but not practical due to the high volume of noise in the facility along with the astronomical cost. ADOC has reconsidered and explored the addition of audio to existing cameras and the use of body cameras; however, the substantial cost associated with adding audio capabilities to existing

cameras, acquiring body cameras, maintaining those systems, and storing the applicable data from those systems is currently cost prohibitive.

2. The [Former] Monitor encourages re-consideration of initiating a pilot body camera program for Tutwiler correctional staff.

RESPONSE: The Internal Monitor finds this recommendation to initiate a pilot body camera program for Tutwiler Correctional Staff beneficial for one-on-one incidents, but not in a dorm setting due the noise level. ADOC completed a pilot program for body cameras but not at Tutwiler. At the conclusion of the pilot program, ADOC determined that the cost of acquiring, maintaining, and storing the data associated with the body cameras to be unreasonable. Nevertheless, it is noted that ADOC will continue to evaluate this technology and may decide to pursue another pilot program or use body cameras in the future when costs decrease. The Internal Monitor will share the outcome of ADOC future evaluations of body cameras, if pursued, in future compliance report.

3. The [Former] Monitor recommends ADOC Women's Services explore reasonable and cost-effective solutions to address unauthorized inmate activities in the bathroom areas. These solutions may include a firm schedule for inmate showers, staggered by unit, and posting an officer at the entrance to the bathrooms to inhibit some of the prohibited activities.

RESPONSE: The Internal Monitor and ADOC determined limiting access to showers would be contrary to gender-responsive principles since women require open access to showers to care for their hygiene. However, Tutwiler has added a Utility Officer assignment. The purpose of the Utility Officer is to provide security by roving dorms where incidents are occurring to include the bathrooms. ADOC will continue to evaluate potential methods for addressing unauthorized activities in the bathroom areas. The Internal Monitor will monitor incidents transpiring in the

bathrooms.

4. The [Former] Monitor recommends developing an expanded range of sanctions and consequences for inmates proven to knowingly make false PREA allegations. ADOC should make all inmates aware of the expanded lists of sanctions and consequences to ensure awareness by the inmates to dissuade future false reports.

RESPONSE: The Internal Monitor is confident that ADOC Administrative Regulation 403 ‘Procedures for Rule Violations’ governs false allegations and the corrective measures. Inmates who file false PREA allegations will continue to be subject to possible sanctions and consequences (See AR 403). There is a fine line between a “false PREA report” and an unfounded or unsubstantiated PREA report. The Internal Monitor is therefore reluctant to recommend making sanctions and consequences any more severe to avoid negatively affecting the willingness and ability of inmates to report sexual abuse and harassment in good faith based upon a responsible belief that the alleged conduct occurred.

Currently, ADOC is using the existing sanctions and consequences when an inmate files a false PREA report that is confirmed through the LESD investigation. In addition, the Internal Monitor commends the IPCM for the extra emphasis and discussions with the inmate population about reporting factual information verses false information.

85656571.v1