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**AUDIT OF COMPLIANCE WITH THE COURT ORDER
IN WOMEN PRISONERS v. D. C., C.A. 93-2052**

**UPDATED REPORT
OCTOBER 15, 1997**

FILED

JUN 22 1998

NANCY J. HARRINGTON, CLERK
U.S. DISTRICT COURT

A. PURPOSE

This report addresses the defendants' compliance with the Court's Order dated June 16, 1997 in Women Prisoners v. D. C., C.A. No. 93-2052 (JLG). (Herein, "Order").

By agreement of the parties, the undersigned was requested to conduct this audit. The report specifically addresses a list of areas of concerns forwarded by plaintiffs' counsel. On September 12, 1997, a report and supportive documentation¹ was submitted to plaintiffs' counsel that provided an overview of DCDOC and corresponding CCA/CTF agency level compliance with the Order and recommendations with projected completion dates for resolution where compliance had not been achieved. This portion of the audit report serves to update the September 12, 1997 report. The auditor's observations, findings and recommendations, along with supportive documentation, are included in this report submission.

B. METHODOLOGY

This report is based on the following:

1. Findings from tours of the Central Detention Facility (CDF), the Correctional Treatment Facility (CTF) and Minimum Security Facility Annex housing

¹ Exhibit #1 through Exhibit #12 was forwarded with the September 12, 1997 report. This updated report will begin with Exhibit #13.

1 pulm. rept
12 pag
+ 13 exhibit
train manuals etc

units, program facilities, infirmary, culinary units, inmate dining areas and facility supply warehouses.

2. Interviews with inmates, DCDOC and CCA executive and line staff, managers and supervisors, correctional and program staff and supervisors, medical staff, sanitation and fire safety staff, facility maintenance/management managers and staff, supply officers, procurement staff, compliance officers and monitors and the Assistant Corporation Counsel assigned to this case.

3. Review of documents to include relevant Court Orders; policies, procedures, directives and work plans; compliance reports and other program evaluation reports' correspondence files, shift reports; inspection and abatement reports; inmate institutional and medical files; log books; reports on sexual misconduct and inmate grievance complaints and findings; staffing plans and duty roster reports; training files; medical, culinary, sanitation, fire safety, operational and monitoring files; program schedules; contracts and purchase orders and reports prepared by expert consultants and the Special Officer of the U.S. District Court.

C. REPORT FORMAT

1. In order to evaluate compliance with C.A. 93-2052, the report consists of this update to the September 12, 1997 general overview of issues that relate to executive level compliance with the order and three² memoranda, divided by facilities as follows:

² During the course of the audit, it was determined that it was very burdensome to investigate and submit findings and documentation for the CTF for that portion of the audit review period when it was under DCDOC operation because staff were now scattered throughout the agency and virtually no pertinent documents were obtained because they had not been systematically filed and stored. Additionally, at the point of commencement of the audit, CCA was into its fourth month of operation and it was determined that it would be more beneficial for all concerned to audit current operations and ensure that compliance with the Order is being met or addressed. The undersigned is the Contract Monitor for the CCA/CTF contract and its Operations and Management Agreement,

- a. The Central Detention Facility (CDF), *17 jail*
- b. The Minimum Security Facility and Annex, and
- c. The Correctional Treatment Facility (CTF) under the management and supervision of the Corrections Corporation of America (CCA), effective March 16, 1997.

2. The report identifies each subject area by descriptive title and the corresponding paragraph number in the Order. The report will conclude whether there is compliance with the Order, describe action taken regarding achieving compliance, describe plans for achieving compliance, identify obstacles concerning continuing compliance and, where applicable, and propose recommendations by the undersigned.³

D. EXECUTIVE LEVEL COMPLIANCE

1. Department Order (Court Order ¶14)

a. Status of the Department Order

✓ 1) DO 3350.2B "Sexual Misconduct Against Inmates", dated October 15, 1997 was approved by the Director, DCDOC on October 14, 1997.

contract and its Operations and Management Agreement, Section 5.1, requires that "Not later than six months after the commencement date, the operator shall cause the CTF to be operated and maintained in accordance with the standards required by the Court Orders.

³ Recommended compliance dates in the September 12, 1997 audit overview have been extended to correspond with both the extension of time afforded this submission and subsequent assignment to managers who are responsible for implementation.

DO 3350.2A was in effect when the audit was conducted and will be referred to as the governing policy. However, changes in DO 3350.2B procedures will be reported in this report.

2) The Department Order (DO) has been revised pursuant to the Court of Appeals' decision and was developed in conjunction with the Special Officer of the Court, plaintiffs' attorneys, contracted investigators, the Assistant Corporation Counsel assigned to this case, and appropriate D. C. Department of Corrections (DCDOC) personnel. Prior to finalization, the draft had to be circulated for review and comment by the DCDOC Offices of Policies and Procedures and the General Counsel. The new directive is modeled after the original DO and amended pursuant to the appellate court decision. A copy of DO 3350.2B is included.⁴

3) CCA/CTF policy 14-100 "Sexual Misconduct Against Inmates" will be amended to conform to DCDOC's DO 3350.2B.

4) As noted on September 12, 1997, based upon interviews with staff and a review of the investigation reports, it is determined that although the new Department Order had not been finalized, the majority of its procedures were followed in practice, with the exception of reporting certain types of sexual abuse to law enforcement.

b. Provisions of DO 3350.2B

1) DO 3350.2B governs the prohibition, definition, prevention, reporting, and investigation of sexual misconduct against inmates. It prohibits retaliation and intimidation of inmates who refuse to submit to sexual misconduct or against individuals who participate in the reporting or investigation of a complaint.

⁴ Exhibit #13, DO 3350.2B, "Sexual Misconduct Against Inmates", dated October 1, 1997.

2) DO 3350.2B requires that the Order be posted on staff bulletin boards, in areas where inmates frequent or are housed and in the inmate Law Library.

2. Sexual Misconduct - Prevention and Remedy (Court Order ¶5)

a. Investigation of sexual misconduct

1) DO 3350.2B contains procedures for the investigation of sexual misconduct against inmates and for the discipline of employees who engage in sexual misconduct against inmates. As previously reported, the DCDOC resumed responsibility for investigating incidents of sexual misconduct against inmates from the Special Officer of the Court on or about November 1996. Investigations of complaints filed on the behalf of female inmates are conducted by contract staff under small purchase/ short term contracts.

2) The Department is preparing a Request for Proposals (RFP) for a competitive contract solicitation for investigation of complaints on behalf inmates.

3) A solicitation for the training of selected DCDOC staff members to investigate complaints of sexual misconduct that do not involve sexual abuse is being processed.

4) CCA has a policy for the disciplining of staff. CCA has contracts with Delany, Siegel and Zorn and Associates (DSZ) and with Edward Morey to investigate complaints of sexual misconduct against inmates.

b. Investigation Compliance

Based on review of the investigative packets and interviews of staff, the investigative procedures as provided in DO 3350.2B and the Court Order have been followed by the contractors for the DCDOC and CCA.

c. Complaint Coordination

1) In the DCDOC, a DOC staff member has been appointed as the agency Coordinator for complaints of sexual misconduct against inmates. Her duties are summarized in DO 3350.2B, Section VII. Procedures, subsections D., E., F., and I.). She consults regularly with the Assistant Corporation Counsel, assigned to this case, in the discharge of her duties in this area.

2) CCA/CTF has a Sexual Misconduct Coordinator for processing allegations of sexual misconduct against inmates.

c. Employee Discipline

DO 3350.2B contains procedures for discipline of staff who violate this directive to include a table of penalties for specific violations.

3. Definition of prohibited conduct (Court Order ¶6)

a. Prohibited conduct is defined in accordance with DC Law 10-257 "Anti-Sexual Abuse Law", the Court Order and Department Order 3350.2B. Sexual misconduct includes sexual acts, sexual contact, sexual harassment and invasion of privacy against inmates as well as retaliation against inmates who refuse to submit to sexual misconduct or against individuals because of their involvement in the reporting or investigation of a sexual misconduct complaint. Policy and procedures, for maintenance of confidentiality and sanctions for breaching confidentiality as well as

prohibition and discipline for interference in the reporting or investigation of complaints, are contained in DO 3350.2B. Sexual contact has been more clearly defined in this directive. DO 3350.B provides that staff of the opposite sex audibly announce his/her presence when entering the housing unit unless refrain is for a sound penological reason.

b. CCA/CTF Policy 14-100 will be amended to conform with DO 3350.2B.

4. Penalties for prohibited conduct (Court Order ¶7)

a. DO 3350.2B contains provisions for discipline of employees who violate this policy.

b. CCA/CTF Policy 14-100 contains provisions for discipline of employees.

5. Inmate reporting of sexual misconduct (Court Order ¶8)

a. DO 3350.2B contains procedures for inmate reporting of complaints of sexual misconduct via use of the IGP system.

b. CCA/CTF has procedures in accordance with DO 3350.2B in Policy 14-100.

6. Inmate complaint reporting methods (Court Order ¶9)

a. DO 3350.2B provides that female inmates may report complaints of sexual misconduct orally or in writing, to any employee, through the IGP system or to a IGAC prisoner representative.

b. CCA/CTF has procedures in accordance with DO 3350.2B in Policy 14-100.

7. Hot line (Court Order ¶10)

a. The DCDOC does not have a confidential telephone hot line for the reporting of sexual misconduct against inmates. The hot line has not been in operation since the termination of the duties of the Special Officer of the Court. It is expected that the hot line will be in full operation by October 31, 1997. is it?

b. CCA/CTF has not had a confidential telephone hot line for the reporting of sexual misconduct against inmates since assuming operation and management of the facility on March 16, 1997. CCA's hot line is expected to be operational by October 1, 1997.

8. Staff reporting responsibilities (Court Order ¶11)

a. DO 3350.2B provides for discipline of employees who fail to report acts or allegations of sexual misconduct

b. CCA/CTF Policy 14-100 meets the requirements in DO 3350.2B.

9. Police Investigations (Court Order ¶12)

a. Reporting Sexual Abuse to law enforcement

1) As reported on September 12, 1997, based upon a review of sexual misconduct complaint reports, the undersigned can not determine that there have been any incidents of sexual misconduct which have been referred to law enforcement since the DCDOC has resumed investigation of these complaints. The Order requires that allegations of an act of unwelcome sexual intercourse or any allegation of unwelcome sexual touching must be reported to local law enforcement.

In interviewing the Wardens at the women's facilities, this auditor found that they were clear on referral of cases involving sexual assaults as is required in DO 3350.2A, but not as clear regarding the reporting of unwelcome sexual touching or that under DC Law 10-257, sexual abuse includes any sexual contact and sexual touching and is a criminal offense.

Moreover, this procedure was not written in the DO 3350.2A. Procedures are in DO 3350.2B for the reporting of incidents or allegations of sexual abuse, which includes all sexual acts and sexual contact between staff and inmates, to local law enforcement. It also provides for the periodic follow up with law enforcement and documentation concerning the status of any criminal investigation.

2) CCA/CTF Policy 14-100 will be amended in accordance with DO 3350.2B.

b. Tracking of criminal investigations

1) Under DO3350.2B, the Sexual Misconduct Coordinator, in conjunction with the Security Administrator, will communicate with law enforcement every 30 days concerning the status of the investigation.

2) CCA/CTF Policy 14-100 will be amended in accordance with DO 3350.2B.

10. Confidentiality requirements (Court Order ¶13)

a. DO 3350.2B directs that retaliation, reprisal and breach of confidentiality regarding an incident of sexual misconduct is prohibited. The DO mandates that confidentiality of the complaint and the identity of the alleged victim and respondent shall be maintained and revealed only on a need to know basis. It provides that an inmate informant can be treated as a confidential witness.

b. When a complaint is filed, the alleged victim and the accused are advised in writing that the allegation and investigation are to be kept confidential.

c. CCA/CTF Policy 14-100 meets the requirements in DO 3350.2B.

11. Inmate Appeal procedures (Court Order ¶14)

a. DO 3350.2B contains procedures for advising inmates of whether or not the investigation concluded a finding of sexual misconduct and of appeal rights when a complaint was filed on her behalf.

5 days - 15?

b. CCA/CTF has procedures in compliance with DO 3350.2B.

12. Staff training in Prevention of sexual misconduct (Court Order ¶15)

a. Plaintiffs' counsel was advised on September 12, 1997 that based upon agreement with plaintiffs in 1995, NIC appointed Andie Moss, the former Director of the women's prisons in Georgia to provide technical assistance to the DCDOC in the development of and execution of manuals, as well as Train-the Trainers for staff and inmate courses.⁵

b. DO 3350.2B requires Pre-service and In-service "Prevention of Sexual Misconduct Against Inmates" Training, semi-annual special issues and a forty hour course on working with female offenders for selected staff.

1) Mass Training

a) The original course curricula and manuals for employees and inmates and the employee student manuals and inmate bulletin were submitted on September 12, 1997 as Exhibit #7. As noted trainers for employees and inmates were selected based upon experience in training others as well as expertise in counseling staff and/or inmates in the areas of (1) classification and counseling or (2) EEO and/or sexual harassment counseling.

b) Sexual Misconduct Training of DCDOC staff was conducted August 22, 1995 to January 1996. The undersigned's inspection of the Training Academy attendance records found that one hundred and eighty-five of over four thousand DCDOC and contract employees did not receive initial mass training.

2) Pre-service Training

⁵ Exhibit #14, NIC Technical Assistance Report 95P1065 and Technical Assistant Vitae.

a) DCDOC

Effective September 1, 1995, Prevention of Sexual Misconduct Training became a module in the Pre-service training program. On or about March 1995, the undersigned developed and began to conduct Pre-service Training entitled "Working with Women Offenders". The training is ninety minutes long and the Trainer's Manual was previously submitted.

b) CCA/CTF Pre-service Training

One hundred and four (104) staff of the CCA/CTF received Prevention of Sexual Misconduct Against Inmates Pre-service Training. The training was conducted by certified DCDOC Trainers and the training materials used were identical in scope to those used in DCDOC. On August 2, 1997, the undersigned conducted the "Train the Trainers - Prevention of Sexual Misconduct Against Inmates" course for the CCA Training Administrator which enables CCA to train their own staff.

3) Annual Refresher Training

a) DCDOC

Trainers received refresher training in January 1997 prior to their conducting In-service training for staff. The Trainer and Student manuals used for annual refresher In-service training were submitted on September 12, 1997 as Exhibit #7.

Mandatory 40 hour In-service training was conducted from February 1 to September 1997. The In-service training was suspended near the end of the fiscal year and the FY'98 budget has not yet been approved by Congress. Training of this magnitude results in a significant use of overtime to cover each Correctional Officer participant's duty post.

b) CCA In-service Training

The CCA/CTF Training Administrator advised that In-service Training, which includes Prevention of Sexual Misconduct Against Inmates, for approx. 117 staff who were former DCDOC employees will begin November 3, 1997.

4) Volunteers Training

a) The Director of Religious and Volunteer Services reported that volunteers were trained by that office from March 20, 1995 until August 1996. Effective March 1, 1997, a four hour orientation for new volunteers and a two hour refresher training, as volunteers are recertified, is conducted by Training Academy staff. Volunteers receive the same training as do DCDOC and CCA staff.

b) CCA/CTF has not yet developed volunteer training regarding this issue.

5) "Working with Female Offenders" Training

a) As reported on September 12, 1997, this forty hour training has not been accomplished. NIC will again be requested to provide this training through approval of a technical assistance grant.

7) Special Issues Training

a) The Order requires that by December 1995, semi-annual special issues training be conducted. As reported on September 12, 1997, two special issues classes have been conducted.

(1) In 1996, CTF culinary staff received an intensive four hours Prevention Of Sexual Misconduct Training after several complaints of sexual misconduct against inmates involving CTF culinary employees.

(2) In January and February 1997, selected CDF staff received training in "Addressing Sexual Violence for Correctional Staff": This training was conducted by the DC Rape Crisis Center.

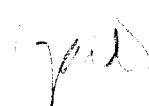
13. Prisoner Training (Court Order ¶16):

a. Mass Training

As reported on September 12, 1997, based on logs reviewed and the undersigned's observations, training of female inmates at the CDF, the CTF and the Annex was conducted between August 1995 and September 30, 1995.

b. Orientation Training

A review of logs and interviews with staff and inmates confirmed that newly committed female inmates continue to receive weekly Orientation training at the CDF.



c. Tracking of participation

The Minimum Security Facility Annex requires that female inmates sign an affidavit as to whether they have received the Orientation training at the CDF. The Minimum Security Facility has staff who are certified inmate trainers for this course.

Pregnant inmates, female inmates requiring placement in the CTF Infirmary and YRA females are usually transferred prior to receiving the Orientation training, but receive the handout regarding sexual harassment upon admittance to the CTF.

14. Quality Assurance Program (Court Order ¶22):

The Order requires that DCDOC develop and implement a quality assurance program for monitoring program delivery to ensure the continued provision of equal and adequate education and vocational programs to women prisoners. The DCDOC has not developed the quality assurance program.

E. FINDINGS

1. Department Order (Court Order ¶4,)

a. The DCDOC is in compliance with the requirement to develop and follow a Department Order prohibiting sexual misconduct against inmates.

b. CCA Policy 14-100 meets requirements of DO 3350.2B.

2. Internal Investigations (Court Order ¶15)

a. DCDOC is in compliance with ensuring that complaints of sexual misconduct are investigated in accordance with its policy.

b. CCA is in compliance with ensuring that complaints of sexual misconduct are investigated in accordance with its policy.

3. Hot line (Court Order ¶10):

a. DCDOC is not in compliance with having a confidential hot line that may be used for the reporting of complaints of sexual misconduct.

b. CCA is not in compliance with having a confidential hot line that may be used for the reporting of complaints of sexual misconduct.

4. Police Investigations (Court Order ¶12)

a. DCDOC does not appear to be in compliance with the reporting of unwelcome sexual touching. DO 3350.2B contains more specific definitions of sexual abuse and law enforcement reporting mandates required by law.

b. CCA was not in compliance with the reporting of unwelcome sexual touching until September 1997.

5. Employee Training (Court Order ¶15)

- a. DOC is in compliance with the Initial mass training of staff in the Prevention Of Sexual Misconduct Against Inmates.
 - b. DOC is in compliance with the inclusion of Prevention of Sexual Misconduct Against Inmates in its Pre-service and In-service training.
 - c. Although it is not a provision of the Court Order, DCDOC is in compliance with orientating volunteers in the Prevention Of Sexual Misconduct Against Inmates.
 - d. DCDOC is still not in compliance with the requirement to conduct forty-hour "Working with Female Offenders" training by December 13, 1995. DCDOC does conduct 90 minute "Working with Women Offenders" Pre-service training.
 - e. DOC is not in compliance with conducting semi-annual special issues training for staff who work with female offenders. Two special issues training have been conducted.
 - f. CCA has trained the majority of its new staff in the Prevention Of Sexual Misconduct Against Inmates .
 - g. CCA is not in compliance with providing annual In-service training for former DCDOC employees because most of them received training in 1995-1996.
6. Inmate training in Prevention of sexual misconduct (Court Order ¶16)
- a) The CTF continues to conduct Orientation training in the Prevention Of Sexual Misconduct Against Inmates for newly committed female inmates. A review of

attendance records indicate that some female inmates are not receiving training because they are often transferred to CTF prior to the weekly training.

DO 3350.2B requires that weekly orientation for newly committed inmates in the Prevention Of Sexual Misconduct Against Inmates be conducted at the CTF and to ensure that each inmate receives training, weekly classes will be conducted in each facility's orientation program when inmates are transferred into the facility.

7. Quality Assurance Program Court Order ¶22.

a. DCDOC is not in compliance with the development and implementation of a quality assurance program to ensure the continued provision of equal and adequate education and vocational programs to women prisoners.

F. RECOMMENDATIONS

1. Department Order (Court Order ¶4)

DCDOC

a. Order to be issued to all employees by November 15, 1997.

b. DCDOC and CCA/CTF Executive staff, Wardens, managers and supervisors receive training on DO 3350.2B by November 28, 1997.

c. Staff trainers be trained on DO 3350.2B by November 28, 1997.

d. DO 3350.2B be incorporated in the In-service Training⁶ by January 5, 1998.

e. The Trainer and Student Manuals be revised by January 5, 1998.

CCA/CTF

a. CCA develop similar time table.

2. Internal Investigations (Court Order ¶5)

a. The solicitation for Investigator training will be released within twenty-one working days of the loading of funds into the Fiscal Management System (FMS).⁷

b. The RFP is expected to be released by not later than January 1998. In the interim, investigation of complaints on behalf of female inmates and aggrieved complaints on behalf of male inmates shall be procured by short term contracts.⁸

3. Hot line (Court Order ¶10):

a. DCDOC hot line be in operation by October 31, 1997.

b. CCA hot line be in operation by October 31, 1997.

⁶ The 40 hour In-service training was suspended at the end of FY '97 because the budget has not yet been approved by Congress. Training of this magnitude results in a significant use of overtime to cover each Correctional Officer participant's duty post.

⁷ Exhibit #15, Bus 2 dated October 10, 1997 for solicitation for Training of staff as Investigators of Sexual Misconduct Against Inmates.

⁸ Exhibit #16, Bus 2 dated October 10, 1997 for solicitation of a short term contract for Investigator for complaints of sexual misconduct against inmates.

4. Police Investigations (Court Order ¶12)

a. DCDOC and CCA/CTF Executive staff, Wardens, managers and supervisors receive training on DO 3350.2B by November 28, 1997.

5. Employee Training (Court Order ¶15)

DOC

a. Request technical assistance from NIC to conduct 40 hour "Working with Women Offenders" or Train-the-Trainers in this course.

b. Include 90 minute "Working with Women Offenders" training in the In-service curriculum by January 12, 1998.

c. The Training Academy will develop a series of special issues training for staff who work with female offenders by January 31, 1998.

d. Although it is not a provision of the Court Order, DCDOC is in compliance with orientating volunteers in the Prevention Of Sexual Misconduct Against Inmates .

CCA

a. Conduct similar training or Contract for NIC training.

b. Same as DCDOC

c. Same as DCDOC

d. Same as DCDOC

6. Inmate Training Court Order ¶16

DCDOC

a. Update the Inmate Bulletin "Prevention of Sexual Misconduct Against Inmates to comply with DO 3350.2B by November 14, 1997.

b. Provide Train-the-Trainer in Prevention of Sexual Misconduct Against Inmates for staff to train inmates by November 28, 1997.

c. Complete Mass training of female inmates by December 31, 1997.

d. Beginning January 5, 1998, conduct Weekly Prevention Of Sexual Misconduct Training for newly committed inmates at the CTF and in each facility's Orientation program when the inmate is transferred into the facility.

e. By December 31, 1997 each Warden to develop procedures to ensure tracking and follow up for subsequent training when inmates do not attend their scheduled training class.

CCA/CTF

a. Same as DCDOC.

b. Same as DCDOC.

c. Same as DCDOC.

d. Same as DCDOC.

e. Same as DCDOC.

7. Quality Assurance Program Court Order ¶22

a. A staff member be appointed to develop and implement the educational programs quality assurance program in accordance with provisions of the Order.

8. Monitoring for compliance with these recommendations

a. The Office of Compliance and Accreditation and the Compliance Monitor assigned to this case shall monitor and ensure that recommendations are accomplished as indicated.

**AUDIT OF COMPLIANCE WITH THE COURT ORDER
IN WOMEN PRISONERS V. D. C. CA 930-2052
AT THE CENTRAL DETENTION FACILITY (CDF)**

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A. METHODOLOGY

This report is based on the following:

1. Findings from tours of the Central Detention Facility (CDF) housing unit, program facilities, law library and areas where staff bulletin boards are located.
2. Interviews with inmates; facility correctional and program managers, supervisors and line staff; and staff assigned to the Deputy Director for Programs Office and the Assistant Corporation Counsel assigned to this case.
3. Review of documents to include relevant Court Orders; policies, procedures, directives and work plans; compliance reports and other program evaluation reports; correspondence files, shift reports; log books; reports on sexual misconduct and inmate grievance complaints and findings; staffing plans and duty roster reports; training files; program schedules and reports prepared by expert consultants and the Special Officer of the Court.

B. REPORT FORMAT

The report identifies each subject area by descriptive title and the corresponding number in the order. The report will conclude whether there is compliance with the

order, describe action taken regarding achieving compliance, describe plans for achieving compliance, identify obstacles concerning continuing compliance and, where applicable, propose recommendations by the undersigned.

C. *AUDIT REPORT*

I. **SEXUAL HARASSMENT**

¶4. Sexual Misconduct Policy and Procedures

DO 3350.2A, "Sexual Misconduct Against Inmates", dated March 15, 1995 governed the detection, prevention, reporting, investigation, adjudication and prohibition of sexual misconduct and retaliation and intimidation of inmates who refuse to submit to sexual misconduct or against individuals who participate in the reporting or investigation of a complaint. The Order required that the DO be posted and circulated in accordance with the policy. DO 3350.2A requires that the Order be posted on staff bulletin boards, in areas where inmates frequent and in the inmate Law Library.

*What
about
revised
version?*

*6
addendum*

On July 18, 1997, I inspected and reviewed the Post Order for Cell block SW1 and South 3 (Mental Health Unit) which is where female inmates are housed in the CDF. The Post Orders did not direct staff to ensure posting of the Department Order. On October 2, 1997 a addendum was attached to the front of those housing unit Post Orders directing that sexual misconduct (to include sexual acts, sexual contact, sexual harassment and invasion of privacy), retaliation and breach of confidentiality is prohibited. The addendum also directed that each employee must verbally report incidents and complaints of sexual misconduct directly to the Warden and follow up with a written report by the end of their business day. The requirement of the opposite sex announcing themselves when entering the unit and cell tier was also included. The

Warden advises that in the future this addendum will be incorporated into each Post Order as it is updated.⁹ The Warden has also issued instruction to the Housing Unit Officer-in-Charge to inspect and enter into the Housing Unit log book, certification that the DO is posted when they assume responsibility for the unit at shift change. Zone Supervisors and Shift Commanders are also required to inspect and enter same in the supervisor's log books.¹⁰

On August 29, 1997, I inspected CDF to observe whether Department Order 3350.2A was posted and found the DO posted in the Roll Call/Training Room and on the SW 1 Case Manager's Office Bulletin Board. The Case manager agreed to post the DO on the Office glass enclosure, facing the tier, so that it is clearly visible to inmates. The DO was not posted in the Law Library nor was the Librarian able to produce evidence that a copy is available for inmate usage. On September 30, 1997 the Warden issued a directive to all Case managers to conspicuously post the DO in their offices in the housing unit and to maintain extra copies of the DO in their offices for the purpose of ready issuance to inmates upon request.¹¹ The Warden also advised that the DO which is posted in the female inmate's housing units will be covered by plexi-glass to ensure that it remains visibly posted.¹²

¶5. Sexual Misconduct - Prevention and Remedy

⁹ Exhibit #17, Memo dated 10/2/97 and "Addendum - D3350.A Sexual Misconduct Against Inmates" dated October 1, 1997 re: prohibition of sexual misconduct, retaliation and breach of confidentiality.

¹⁰ Exhibit #18, Memorandum dated October 1, 1997 to Shift Commanders Re: DO 3350.2A for Southwest One and South Three to post DO and document compliance with posting.

¹¹ Exhibit #19, Memorandum to "All Case Managers" dated September 30, 1997 to post and maintain copies of DO.

¹² Exhibit #20, Memorandum dated October 2, 1997 to Warden re: compliance with DO 3350.2A.

DO 3350.2A contained procedures for the detection, prevention, reporting and investigation of sexual misconduct against inmates and for the discipline of employees who engage in sexual misconduct against inmates.

¶6. Definition of prohibited conduct

Prohibited conduct is defined in accordance with the Court Order and Department Order 3350.2A for sexual misconduct which includes sexual acts, sexual contact, sexual harassment and invasion of privacy against inmates as well as retaliation against inmates who refuse to submit to sexual misconduct or against individuals because of their involvement in the reporting or investigation of a sexual misconduct complaint. Policy and procedures, for maintenance of confidentiality and sanctions for breaching confidentiality as well as prohibition and discipline for interference in the reporting or investigation of complaints, was contained in DO 3350.2A as does DO 3350.2B.

✓ (10/15/97)

¶7. Penalties for prohibited conduct

DO 3350.2A contained provisions for discipline of employees who violate this policy as does DO 3350.2B.

¶8. Inmate reporting of sexual misconduct

DO 3350.2A contained procedures for inmate reporting of complaints of sexual misconduct via use of the IGP system to report complaints of sexual misconduct. This

provision is contained in the Inmate Bulletin "Prevention of Sexual Misconduct Against Inmates" which is distributed to female inmates at the Receiving and Discharge Unit.¹³ DO 3350.2B contains identical policy.

I reviewed IGP logs for September 1, 1996 through June 30, 1997 for complaints of sexual misconduct and found that none were filed by female inmates and 10 were filed by males.

The undersigned's inspection revealed that there is an active Inmate Grievance Committee established at the CDF in compliance with the Court Order. On July 18, 1997, I reviewed DO 4030.1D, which governs the IGAC and Committee activities, such as minutes, findings, recommendations, etc. and interviewed staff, including the Warden. The IGAC was established 11/14/96. The Acting Deputy Warden for Programs advised the undersigned's that it is that manager's responsibility to monitor the activities of the IGAC.

The undersigned's review of documents found that the first official IGAC meeting was held on 1/7/97. The committee meets once a month in Room 244. It is comprised of a cross section of inmates: 1 female, 1 Hispanic, 1 Special Status, 2 General Population (1 from the North side, 1 from the South side). Staff IGAC members comprise 3 Case managers, a representative from the Warden's administrative staff and the Law Librarian. A review of meeting minutes also revealed that the Court Order Compliance Monitor attended at least one of the meetings between January 7 and June 30, 1997. A sample of topics noted in the minutes are as follows:

4/1/97 Agenda and Minutes (Issues" Selection of Chairperson, Credibility of Concerns, Officer Recorder, Response Time frames, Committee Member alternates,

¹³ Exhibit #21, "Inmate Bulletin - Prevention of Sexual Misconduct Against Inmates"

committee meetings, adequacy of supply of feminine hygiene item available on canteen.)

5/13/97 Agenda and Minutes (Issues: Lack of Shower shoes and detergent, visiting hall phones broken, mail delivery mix-ups, mailboxes too small, mail pickup not adequate for box size; Housing unit coverage).

The 6/1/97 IGAC Agenda and Minutes were attached to June Compliance Report dated 7/1/97 and given to plaintiffs.

¶9. Inmate complaint reporting methods

DO 3350.2A provided that female inmates may report complaints of sexual misconduct orally or in writing, to any employee, through the IGP system or to a IGAC prisoner representative.

Based upon the undersigned's review on 7/18/1997 of files contained in the Warden's office regarding incidents of sexual misconduct, there were five complaints reported on behalf of female inmates during the period of September 1, 1996 to June 30, 1997.¹⁴ In addition, I reviewed the files of the Deputy Director for Programs and determined that all reported complaints for the time frame were reviewed.¹⁵ One of the cases resulted in a finding of probable cause, and four did not.

¶11. Staff reporting responsibilities

¹⁴ Exhibit #28, Summary of Investigations of Allegations of Sexual Misconduct on behalf of female offenders at the CDF.

¹⁵ The CDF is under the executive level management of the Deputy Director for Programs and in accordance with DO 3350.2A, copies of the reports are maintained in that office.

DO 3350.2A provided for discipline of employees who fail to report acts or allegations of sexual misconduct

¶12. Reporting Sexual Abuse to law enforcement

DO 3350.2A contained policy and procedures for the reporting of sexual assault against inmates to MPD. In the undersigned's interview with the Warden on 8/29/97, it was determined that the Warden does not have a complete understanding of the circumstances of a sexual misconduct incident that warrants referral to the MPD. While staff is clear that a sexual assault must be reported, they were not aware that sexual acts (when the inmate "consented") and sexual contact sexual touching must be referred to MPD. The undersigned's review of the investigations of sexual misconduct involving female inmates for the period 9/1/96 to 6/30/97 revealed that no cases were reported to the Metropolitan Police Department.

The Warden stated practice at the CDF has been that MPD is notified by the Command Center as delegated by the Warden and that it has been the practice of the staff to report complaints of sexual misconduct to the Shift Commander, not the Warden. On September 30, 1997, the Warden issued a change of procedures, requiring staff to verbally report complaints directly to the Warden--or in Warden's absence--the highest ranking official or manager on duty.¹⁶

¶13. Confidentiality requirements

DO 3350.2A mandated that confidentiality of the complaint and the identity of the alleged victim and respondent shall be maintained.

¹⁶ Exhibit #22, Memorandum dated September 30, 1997 instructing staff to immediate make a verbal report or sexual misconduct directly to the Warden.

The DO directed that retaliation, reprisal and breach of confidentiality regarding an incident of sexual misconduct is prohibited. When a complaint is filed, the alleged victim and the accused receive a notice advising them that the allegation and investigation must be kept confidential. Instructions regarding confidentiality are contained in the Addendum to the Housing Unit Post Orders.

¶14. Inmate Appeal procedures

DO 3350.2A contained procedures for advising inmates of appeal rights and individual notification to each inmate when a complaint was filed on their behalf. The undersigned reviewed documentation that advised inmates of appeal rights and individual notification to each inmate when a complaint was filed on her behalf.

The Warden advised the undersigned that the practice at the CDF has been to automatically give the inmate the entire investigation package after completion of an investigation of sexual misconduct. This package was being forwarded from the Deputy Director for Programs' Office under seal and addressed to the inmate. This is not consistent with the current DO 3350.2A and revised DO 3350.2B which state that the inmate will receive notice of the findings and appeal information. The revised DO states that the inmate or attorney can request a copy when working on an appeal and that the package must be reviewed and redacted to exclude confidential information for security reasons & the identity of inmates who request anonymity. The Warden issued a memorandum dated September 30, 1997 to amend procedures so as to conform with the Department Order.¹⁷ The Deputy Director for Programs Office was advised on October 9, 1997 that only a memorandum was to be sent to the inmate which advised

¹⁷ Exhibit #23, Memorandum dated September 30, 1997 directing that inmate receive written notice of whether the investigator concluded that sexual misconduct occurred and of appeal rights.

of whether or not the evidence supported a finding of sexual misconduct, her appeal rights and appeal procedures.

¶15. Staff training in Prevention of Sexual Misconduct

Review of attendance rosters from staff who have received Prevention of Sexual Misconduct Against Inmates training from September 2, 1995 to March 1, 1996 reveals that 520 of the approximate 528 CDF staff received the Initial mass training. The undersigned also reviewed a report from the Training Academy which notified Wardens in January 1996 of those staff who had not attended training and which scheduled two make-up classes were conducted. This report indicated that some of the staff who did not receive training were on workmen's compensation or extended leaves of absence.

In-service training for employees began in February 1997 and a ninety minute annual sexual misconduct refresher training module is included¹⁸. A review of the CDF Training Officer's files indicate that of an approximate 832 correctional and contract (food services and medical) 350 employees have received as of August 31, 1997. The undersigned has learned that no medical or food services employees have received the annual refresher training in the Prevention of Sexual Misconduct because they are not required to attend In-service.

¶16. Inmate training in Prevention of Sexual Misconduct

Between August 29 and September 21, 1995, 120 female inmates at the CDF received mass training in the identification, prevention and reporting of sexual misconduct against inmates.¹⁹

¹⁸ Exhibit #24, In-Service Training Schedule for CDF.

¹⁹ Exhibit #25A, Female Inmate's attendance rosters for 1995 Mass sexual misconduct training.

An inspection of documents indicate procedures wherein female inmates committed each Friday through Monday receive prevention of sexual misconduct training each Friday at the CDF. The Certified Trainers are Cynthia Jamison-Hackett, Michael Hilliard and Barbara Copeland. The training materials given are the "Inmate Bulletin: Prevention of Sexual Misconduct Against Inmates".

The undersigned's reviewed signed attendance rosters between 9/1/96 to 7/11/97 and found 354 female inmates were trained²⁰. The Intake and Release report revealed that Intake for May, 1997 was 155 Females and that 47 received training. Intake for June 1997 was 143 Females and 43 received the training. It was therefore determined that only one-third of the female inmates received training. Further investigation revealed that a significant number of females stay at the CDF for less than a week thereby being released prior to the Training class. There is no formal procedure to ensure training completed if an inmate is transferred from the CDF prior to receiving orientation training there.²¹ Pregnant women are transferred from the CDF to CCA/CTF within twenty-four hours, possibly missing the training.

The Warden stated she will immediately effect a procedure to identify female inmates who remain at the CDF but who miss scheduled training. The procedure will ensure that these women receive training the following week.²²

²⁰Exhibit #25B, Female Inmate's attendance rosters for sexual misconduct training for time frame 9/1/96 to 6/30/97.

²¹ The CDF is required to transfer pregnant females within twenty-four (24) hours of knowledge of pregnancy. There are no procedures for ensuring training for female inmates who are transferred from CDF prior to receiving the orientation training that is conducted there once a week. CCA/CTF currently provides female inmates with a copy of Inmate Bulletin "Prevention of Sexual Misconduct Against Inmates". The Minimum Security Facility Deputy Warden for Programs requires that female transferees attest in a signed document that she received the Orientation training prior to transfer to that facility.

²² Measures are underway at the CTF to ensure that female inmates receive Prevention of Sexual Misconduct Against Inmates training at CTF Orientation if the woman is transferred prior to receiving training at the CDF.

¶17. Physical plant alterations to ensure female inmate privacy

On July 18, 1997, I interviewed managers and supervisors and inspected the CDF regarding whether procedures are followed to ensure women prisoners' privacy in their living, sleeping and shower areas on July 18, 1997.

I was advised by the Acting Deputy Warden for Programs that housing unit and relief officers are female and a female Case manager are assigned to SW 1. This was confirmed by the undersigned's review of the Master Roster, effective July 1997. I also reviewed random copies of shift reports for each work shifts and noted that only female officers are assigned to the female units. The Deputy Warden for Operations advises that female housing unit and escort officers are assigned to the female inmate side of SO 3. The Master Roster, effective July 1997 bears out that there are females assigned to SO 3 on each shift.²³

During the undersigned's inspection, I observed that on SW 1, male staff announced themselves upon entering the general population and tier areas of the Cell block. All shower stalls had opaque curtains which were in good repair and which provided full enclosure of the stall opening. The undersigned's review of the post orders revealed that they do not state that male officers must announce themselves when entering a female area, although it is performed in practice and is mandated in DO 3350.2A and in the Order. This instruction has been included in the Addendum to the Housing Unit Post Orders for the female housing units.

The Receiver for Medical and Mental Health Services for the US District Court at the CDF issued a memorandum on October 29, 1996 that instructs the protection of the

²³ Exhibits #26, Master Roster Assignments for SW 1 and SO 3 where female inmates are housed.

inmate's privacy via use of a changing screen for changing into a gown or cape and use of drape sheets during examinations.²⁴

D. AUDIT FINDINGS

¶4. Sexual Misconduct Policy and Procedures

The CDF is in compliance with posting the Department Order on staff bulletin boards, in areas where inmates frequent and in the inmate Law Library in accordance with the policy.

¶8. Inmate reporting of sexual misconduct

The CDF is in compliance with maintaining an Inmate Grievance Process and an active Inmate Grievance Committee.

¶9. Inmate complaint reporting methods

The CDF is in compliance with inmates being allowed to report complaints of sexual misconduct orally or in writing, to any employee, through the IGP system or to a IGAC prisoner representative because of the five complaints reviewed, all were reported to staff who then reported them in accordance with procedures and the Order.

¶11. Staff reporting responsibilities

²⁴ Exhibit #27, memorandum dated October 29, 1996 from the Medical Receiver of procedures to ensure the female inmate's privacy during medical exams.

CDF is in compliance with DO 3350.2A provisions for discipline of employees who fail to report acts or allegations of sexual misconduct because no inmate complaints were lodged indicating that staff had failed to report the inmate's complaints and the investigations reviewed did not indicate that the inmate had previously reported the complaint without result.

¶12. Reporting Sexual Abuse to law enforcement

CDF was not in compliance with the reporting of sexual acts and sexual contact based upon the noted circumstances in the investigations reported on for the period 9/1/96 to 6/30/97 revealed that no cases were reported to the Metropolitan Police Department. On September 30, 1997, the Warden issued orders that sexual acts and sexual contact be immediately reported to MPD.

¶13. Confidentiality requirements

CDF is in compliance with this provision of the Order and DO 3350.2A because no employees were accused by an inmate of violating confidentiality of a complaint of sexual misconduct nor were any violations indicated by the complaint investigators.

¶14. Inmate Appeal procedures

CDF is in compliance with notifying inmates of appeal rights and procedures.

¶15. Staff training in Prevention of sexual misconduct

CDF is in compliance with ensuring that staff attended the 1995 initial training and the 1997 In-service training in the Prevention of Sexual Misconduct Against Inmates.

¶16. Inmate training in Prevention of sexual misconduct

The CDF is in compliance with providing female inmates with Orientation training for the identification, prevention and reporting of sexual misconduct but there is no formal procedure to ensure training is completed at the following session if an inmate is unavailable on the scheduled day.

¶17. Physical plant alterations to ensure female inmate privacy

The CDF has ensured inmate privacy in their living, sleeping and shower areas.

E. RECOMMENDATIONS

1. ¶4. By October 31, 1997, attach the addendum dated October 1, 1997 to Post Orders for Escort Officers, the Medical Unit Officer, and Work Squad supervisors.
2. ¶16. By October 31, 1997, the Warden will develop follow-up procedures to ensure that all female inmates receive Sexual Misconduct Orientation.
3. ¶15. Ensure that medical and food services employees receive Prevention of Sexual Misconduct against Inmates training as a Pre-service and an annual In-service requirement.

**AUDIT OF COMPLIANCE WITH THE COURT ORDER
IN WOMEN PRISONERS V. D. C. CA 930-2052**

AT THE MINIMUM SECURITY FACILITY AND ANNEX

A. METHODOLOGY

This report is based on the following:

1. Review of documents to include relevant Court Orders; policies, procedures, directives and work plans; compliance reports and other program evaluation reports; correspondence files, shift reports; log books; reports on sexual misconduct and inmate grievance complaints and findings; staffing plans and duty roster reports; training files; program schedules and reports prepared by expert consultants and the Special Officer of the Court.
2. This auditor interviewed inmates; facility correctional and program managers, supervisors and line staff; staff assigned to the Deputy Director for Programs Office and the Assistant Corporation Counsel assigned to this case and inspected the physical plant on July 22, July 31, August 14 and September 4, 1997. The Director and executive staff were interviewed regarding several issues including plans to renovate Dorm Seven of the Annex.

B. REPORT FORMAT

The report identifies each subject area by descriptive title and the corresponding number in the order. The report will conclude whether there is compliance with the

order, describe action taken regarding achieving compliance, describe plans for achieving compliance, identify obstacles concerning continuing compliance and, where applicable, propose recommendations by the undersigned's.

C. *AUDIT REPORT*

INTRODUCTION

The Minimum Security Facility Annex has the capacity for one hundred and thirty-five female inmates. The average monthly population in September was 36 inmates. It dipped to an average of 21 during the months of November and December 1996. Thereafter it gradually but significantly increased to an average monthly population of 75 in June, 1997. As of October 3, 1997 the population decreased to fifty-six (56) inmates.

Renovations in Dorm Six were completed in early 1997. During the renovation the population was housed in Dorm Seven. Based upon the relatively small population, staffing reconfigurations and impending renovations to Dorm 7, on October 3, 1997, all inmates were moved into Dorm 6. Bus 2's have been approved by the Director and submitted to purchase building materials for the renovation of Dorm 7.

I. **SEXUAL MISCONDUCT**

¶4. Sexual Misconduct Policy and Procedures

DO 3350.2A "Sexual Misconduct Against Inmates", dated March 15, 1995 governed the identification, prevention, reporting, investigation, adjudication and

prohibition of retaliation and intimidation of inmates who refuse to submit to sexual misconduct or against individuals who participate in the reporting or investigation of a complaint. The Order required that the DO be posted and circulated in accordance with the policy. DO 3350.2A required that the Order be posted on staff and inmate bulletin boards and in the inmate Law Library.

On July 22, 1997, I inspected areas for compliance with posting of DO 3350.2A and observed that the Department Order was not posted in Dorm Six and Seven, the Roll Call Room or the Law Library. On October 3, 1997 during a random check of the facility, I observed DO 3350.2A posted in Dorm 7 and Dorm 6.

The Post Orders for Dorms Six and Seven do not include the requirement that the DO be posted and there are no procedures to insure that it is done. An officer assigned to Dorm Six stated that the DO is removed by inmates and recommended installation of an enclosed wall unit. Dorm Seven has a plexi-glass locked case in which the DO can be safely displayed.

¶5. Sexual Misconduct - Prevention and Remedy

DO 3350.2A contained procedures for the recognition, prevention, reporting and investigation of sexual misconduct against inmates and for the discipline of employees who engage in sexual misconduct against inmates.

¶6. Definition of prohibited conduct

Prohibited conduct is defined in accordance with the Court Order and Department Order 3350.2A for sexual misconduct which includes sexual acts, sexual contact, sexual harassment and invasion of privacy against inmates as well as

retaliation against inmates who refuse to submit to sexual misconduct or against individuals because of their involvement in the reporting or investigation of a sexual misconduct complaint. Policy and procedures for maintenance of confidentiality and sanctions for breaching confidentiality as well as prohibition and discipline for interference in the reporting or investigation of complaints is contained in DO 3350.2A.

¶7. Penalties for prohibited conduct

DO 3350.2A contained provisions for discipline of employees who violate this policy.

¶8. Inmate reporting of sexual misconduct

DO 3350.2A contained procedures for inmate reporting of complaints of sexual misconduct via use of IGP system to report complaints of sexual misconduct. This provision is contained in the Inmate Bulletin "Prevention of Sexual Misconduct Against Inmates" which is distributed to female inmates at the Receiving and Discharge Unit.

During the time period from September 1, 1996 to June 30, 1997, no female inmates filed a complaint of sexual misconduct.

Inmate Grievance Committee - Minimum Security Facility has an IGAC. The IGP Coordinator recalls it was established in late 1992 or early 1993. The IGAC meets on an "as needed basis". The criteria for the calling of a meeting is not specifically defined. The records of the IGAC indicate that it is composed of a Coordinator, a Chief Case Manager, two Correctional supervisors and at least 2 male inmates and 1 female inmate.

¶9. Inmate complaint reporting methods

DO 3350.2A provided that female inmates may report complaints of sexual misconduct orally or in writing, to any employee, through the IGP system or to a IGAC prisoner representative. During this time period, no female inmates initiated any complaints of sexual misconduct.

¶11. Staff reporting responsibilities

DO 3350.2A provided that employees report all observations or complaints of sexual misconduct made to them on behalf of female inmates and for discipline of employees who fail to report acts or allegations of sexual misconduct

From September 1996 to June 1997, there has been one complaint of sexual misconduct involving a female inmate. The complaint, filed by a staff member, alleged an officer was engaging in an ongoing sexual relationship. An investigator, McFarland and Associates have found probable cause and the Department is moving to discipline the employee.

¶12. Reporting Sexual Abuse to law enforcement

DO 3350.2A contained policy and procedures for the reporting of sexual assault against inmates to MPD. In the undersigned's interview with the Warden on 8/29/97, it was determined that the Warden does not have a complete understanding of the circumstances of a sexual misconduct incident that warrants referral to the MPD. While staff is clear that a sexual assault must be reported, they were not aware that sexual acts (when the inmate "consented") and sexual contact must be referred to MPD.

Minimum Security Facility does not have written procedures on the institutional level for the reporting of sexual misconduct to local law enforcement beyond DO 3350.2A. The Warden was not able to describe the procedure without referring to the written DO. No complaints of sexual misconduct were made during the review period.

¶13. Confidentiality requirements

DO 3350.2A mandated that confidentiality of the complaint and the identity of the alleged victim and respondent shall be maintained. The Department Order directs that retaliation, reprisal and breach of confidentiality regarding an incident of sexual misconduct is prohibited. When a complaint is filed, the alleged victim and the accused receive a notice advising them that the allegation and investigation are to be kept confidential. This requirement is also emphasized in the Prevention of Sexual Misconduct Initial and Refresher Training Manuals. Instructions regarding confidentiality are contained in the Addendum to the Housing Unit Post Orders.

Minimum Security Facility does not have documentation of procedures and instruction, other than the DO 3350.2 which advises that retaliation, reprisal and breach of confidentiality is prohibited. It is recommended that the procedures be included in all appropriate Post Orders. The confidentiality provisions are followed because in the recent incident of sexual misconduct, the investigators complied with the inmate/victim's request to place her name and signature in her statement under seal.

¶14. Inmate Appeal procedures

DO 3350.2A contained procedures for advising inmates of appeal rights and individual notification to each inmate when a complaint was filed on her behalf.

During the review period, no appeals have been filed by inmates regarding complaints of sexual misconduct.

¶15. Staff training in Prevention of sexual misconduct

Review of attendance rosters from staff who have received Prevention of Sexual Misconduct Against Inmates training from 9/2/95 - 3/1/96 reveals that 171 of the approximate 183 staff assigned to the Minimum Security Facility received the Initial mass training between August 1995 and December 1996. The undersigned also reviewed a report from the Training Academy which notified Wardens in January 1996 of those staff who had not attend training and which scheduled two make-up classes were conducted. This report indicated that some of the staff who did not receive training were on workmen's compensation or extended leaves of absence.

In-service training for employees began in February 1997 and a ninety minute annual sexual misconduct refresher training module is included. A review of the Training Academy's files indicate 60 of approximately 160 employees have received In-Service Training as of September 30, 1997.

¶16. Inmate training in Prevention of sexual misconduct

Between August 29 and September 21, 1995, 120 female inmates at the Minimum Security Facility received mass training in the identification, prevention and reporting of sexual misconduct against inmates.²⁵

The Deputy Warden for Programs indicated that no classes for inmates in the prevention of sexual misconduct have been conducted since the initial mass training in

²⁵ Exhibit #29, Inmate Prevention of Sexual Misconduct Attendance Rosters for 1995 mass training.

1995. The Minimum Security Facility has a procedure to ensure female inmates have been trained whereby the inmates must attest that they have received the training, or they will be trained at Minimum. The Deputy Warden has a supply of the "Inmate Bulletin-Prevention of Sexual Misconduct Against Inmates".

¶17. Physical plant alterations to ensure female inmate privacy

The requirements of the Court Order regarding protecting the privacy of female prisoners are contained in DOP 4001 dated 5/27/94 "Notification of an Opposite Sex Person in Housing Unit".²⁶ and in the Post Orders for Dorms 6 and 7. During the audit inspections, the undersigned observed male officers, maintenance and environmental staff loudly announce themselves at the door of the Dorms and wait until the Officer told them it was clear. Interviews with staff and managers and a review of the staff rosters indicate that only female correctional officers are assigned to Dorms 6 and 7.

Alterations to the Dorms ensure women prisoners' privacy in their living, sleeping and shower areas. There are venetian blinds on windows in Dorm 6 and 7 and shower curtains on the stalls.²⁷

II. OBSTETRICAL AND GYNECOLOGICAL CARE

¶18 Protocol regarding use of restraints on pregnant and postpartum women

The Minimum Security Facility does not have a directive that pregnant females are to be transported in the least restrictive way possible consistent with legitimate

²⁶ Exhibit #30, DOP 4001, dated 5/27/94 and Post Orders for Dorms 6 and 7 dated 5/94.

²⁷ Exhibit #31, Engineering Service Request dated July 21, 1995 for shower curtains and window covers.

security reasons. This protocol is primarily affected at the CTF where all pregnant women are housed.

III. PROGRAMMING

¶20 Scheduling to maximize participation

Academic school is offered six hours per day and the higher education program is offered in the evenings.

¶21 Install two trailers at the Annex to allow for additional programming.

Two additional trailers (with working sanitary facilities) have been erected at the Annex so that there are five trailers available for programs.²⁸ Academic school, ETAP, the National Women's Law Center program, Anger Management, Recreation, Parenting and substance abuse are offered.

¶22 Quality assurance for monitoring program delivery

There is no Quality Assurance Program for education programs.

¶23 Procedures for Inmate Movement.

DOP 4001"Escort" dated 5/24/97 and Post Order for "Patrol/Escort (Females)" at the Facility provides for escort to the gym, culinary, ball field, administration, parole

²⁸ Exhibit #32 dated 8/11/95 purchase and installation of 2 program trailers at the Annex.

board and law library, school, chapel, psychological services, medical care. Randomly queried inmates confirm that escort is usually conducted on time.

¶24 Academic participation

Women receive academic (ABE and GED) and higher education equivalent to those received by male inmates. The ABE and GED courses are three (3) hours each, therefore there were two (2) classes per course per day. Monthly reports from 9/1/96 to 6/30/97 indicated female inmate academic enrollment as follows:²⁹

Report Month	Avg. Pop Count	# in ABE	# in GED	# in ETAP	# in UDC	Total in Educ.
09/96	36	06	02	00	00	08
10/96	32	03	02	01	00	06
11/96	22	03	01	00	01	05
12/96	29	01	01	00	01	03
01/97	42	04	04	05	01	14
02/97	46	04	05	04	01	14
03/97	62	05	10	05	02	22
04/97	94	06	11	00	02	19
05/97	84	22	19	17	02	60
06/97	75	20	18	12	00	50

¶26 Full time education program at the Annex

Women can attend academic classes from three to six hours per day (for example, a combination of GED and ETAP).

¶28. Higher Education financial assistance

²⁹ Exhibit #33, Monthly statistics of students are Minimum Security Facility and the Annex.

Tuition and books are free to female inmates who are enrolled in UDC.

¶29. Substitute Teachers

According to the principal there is no substitute teacher system in place but 50% staff coverage is required. As indicated in a memo dated June 10, 1997 coverage was provided during one instructor's absence from May to July, 1997.³⁰ Specifically, during that time period, one ABE and one GED class was available per day. Based on the small number of students, doubling classes did not exceed teacher to student ratios of 1:30 (GED) and 1:20 (ABE). Between mid-August and mid-October 1997 there has been one instructor and student numbers have remained low. On October 13, 1997 there will be two instructors and the Principal has committed to ensuring that outreach counseling is conducted to improve participation.

¶36. Contract Programs

The only contractual programs during this time period were the Substance Abuse Program and UDC. Both were compatible and fulfilled the provisions of this order.

¶37. Vocational Development Specialists at the Annex

Ms. Gorham is the Vocational Development Specialist (VDS) and teaches ETAP. Instructors conduct testing and enrollment. For seven of the nine months of this audit focus, the women had a full time VDS.

³⁰ Exhibit #34, Memo dated June 10, 1997 and included in June, 1997 compliance report to plaintiffs, coverage was provided during one instructor's absence from May to July, 1997.

ETAP taught by Ms. Jones: male and female population 9/96 - 10/96

ETAP taught by Ms. Jones: female population only 11/96 - 3/97³¹

ETAP taught by Ms. Gorham: female population only 4/97 -6/97

IV. ENVIRONMENTAL HEALTH

¶38. Roofs Repair or Replacement on Dorms Six and Seven.

The roofs in Dorms 6 and 7 have been repaired.³²

¶39. Repair dorms to prevent rodent entry and follow vermin eradication plan

Repair Work has been conducted on Dorms Six and Seven to control vermin including door replacements, new door jams and thresholds, new door closures and door stops, adjusted doors, repaired trailer doors, replaced moldings, repaired broken windows and window sashes, cinder blocking near doors, replaced window screens, etc.

Documentation was reviewed of the Yearly Environmental Inspection and Pesticide Treatment Calendar which indicates monthly pesticide treatments for the facility and bi-monthly treatments for the culinary area. Culinary sanitation inspections are conducted once a month.

This writer reviewed documentation to include Kitchen pesticide treatment which indicated that Zep D Pesticide Full Strength 1 1/2 gal. was applied to the cracks and

³¹ Mr. Brown taught ETAP to male inmates 11/96 to 6/97.

³² Exhibit #35, Contract No. 94-0075, Roof Replacements in DCDOC to include Annex Dorms 6 and 7.

aerial to main kitchen, bathrooms, ODR, tray room, resident's dining room, storage rooms. The documents regarding the Facility indicates Diaiznone 4E .05% diluted w/ water. 3 1/2 gallons were applied in cracks/crevices and spot spraying was made to all bathrooms, dormitories, storage areas, cells, offices, academic school.

Culinary Pesticide and Rodent Control Treatments were conducted as follows:

10/07/96	03/10/97
01/04/96	04/07/97
11/20/96	04/21/97
12/04/96	05/05/97
01/07/97	05/21/97
02/10/97	06/18/97

Facility Pesticide and Rodent Control Treatments were conducted as follows:

09/18/96	03/12/97
10/30/96	04/07/97
11/12/96	05/14/97
01/13/97	06/09/97

¶40. Provide each woman with at least vertical and one foot locker.

Inspection of Dorms 6 and 7 on July 31 and September 4, 1997 revealed that each woman had one vertical and one foot locker.

¶41. Inspection and Replacement of Torn Mattresses

The Sanitation and Environmental Officer inspects mattresses and pillows on a weekly basis. During an inspection on September 4, 1997, the auditor interviewed

female inmates in Dorm Six and Seven regarding the condition of their mattresses and none were reported torn or damaged. Facility staff indicated that they were purchasing flame retardant bedding from Industries. However when verifying this with Industries, it was determined that Industries does not manufacture flame retardant linens and blankets, stating it is not cost effective for the small female population. This product is available on the open market. Facilities Management states the venetian blinds, installed March 1997 meet flame retardant standards for curtains.

¶42. Transporting of laundry

The auditor inspected the R&D trailer on September 4, 1997 and observed clean laundry stored on shelves lined with plastic bags on R&D shelves. Staff confirmed that soiled and clean laundry are transported in lined carts and that linings are changed prior to putting clean laundry into carts.

¶43. Documentation of Current Candle Levels in double-bunked areas

Dorm 7 An inspection of Dorm Seven on July 31, 1997 and September 4, 1997 revealed that no swivel lights had been installed in Dorm 7. The facilities maintenance foreman stated on July 31, 1997 that the lamps are available and would be installed once Dorm Seven renovations began because additional electrical wiring must be installed. The candle light is poor on the lower bunks. Tests conducted on July 31, 1997 by Facilities Maintenance staff indicated 10-20 ft per candle on lower bunks and 40-50ft per candle on top bunks.

Dorm 6 Inspection of Dorm Six on July 31, 1997 indicated lighting at one top bunk tested 35 ft per candle and the light reading for the lower bunk was 25 ft per candle with the lamp on. Bathroom, ceiling night lights, and individual lower bunk

reading lights installation was completed in February 1997. It was also observed on July 31, 1997 that the bathroom in Dorm 6 contained new florescent lights installed in two toilet stall ceilings.

In addition, the facilities maintenance foreman stated that there is a 100% backup generator for emergency lights.

¶44. Cleaning supplies

The Supply Officer stated that cleaning supplies are delivered to the female R&D Unit each Monday as was confirmed by this writer's inspection of random samples of supply issuance forms for the audit time frame.

¶45. Plumbing Connections in Annex Trailers

An inspection on July 31, 1997 revealed that the plumbing was working in program trailers.³³

¶46. Provide accessible sanitary facilities for women in Industries

A bathroom was installed in the Garment Shop prior to the trial and it remains accessible for women employed in Industries.

¶47. Improve air quality in Annex dorms, Industrial garment and print shops

³³ Exhibit #36, Engineering Service Request dated 7/19/95 confirmed that plumbing to fixtures were connected in the trailers.

Dorm 6 The Chief, Environmental Safety and Sanitation confirmed that the CO2 level is in compliance in the renovated Dorm Six because the air conditioning unit, installed in early 1997 sufficiently circulates the air. Air quality tests on September 4, 1997 scored 578.

Dorm 7 No central air conditioning has been installed to date. There are 4 window air conditioning units on A Side, 2 on B Side and 1 in the TV room. The Chief, Environment Safety and Sanitation Chief stated on September 4, 1997 that the air quality will not be improved until renovations are completed. Air Quality tested at 472 on September 4, 1997 (may require re-test because this test was conducted at 10 AM when the weather was cool and a couple windows were open in the dorm).

The boilers for both dorms have been converted to natural gas.

OHSA inspects the Industries Print Shop and Garment Shop. Reports indicate air quality findings as follows:³⁴

1/17/97	Garment Shop	Noncompliance
2/25/97	Print Shop	Noncompliance
5/19/97	Garment Shop	Compliance
5/19/97	Print Shop	Not cited for noncompliance

¶48. Install drainage system at the Annex

During the inspection on July 31, 1997, facilities maintenance staff showed the undersigned where a gutter drain was installed on Dorm 7 for better run-off in front of Dorm 7, gutters have been installed on both dorms, a graded ditch was dug in back of Dorm 7 and on the west side of Dorm 6 to relieve standing water. Documentation

³⁴ Exhibit #37, OSHA inspection reports dated 1/17/97, 2/25/97 and 5/19/97 for Industries.

dated 3/95-7/95 confirmed that ditches & drains were dug, concrete poured, top soil and top soil added to remedy the drainage problems at the Annex.

¶49. Preventive Maintenance Plans

Copies of the written preventive maintenance work orders for the Annex dormitories, the Annex trailers, and the Annex grounds are provided for inspection.³⁵

¶50. DCRA Inspections 3 times per year

The last report for the DCRA Inspection completed for Dorms Six and Seven, the Culinary and female R&D for the review period has not yet been received.

The undersigned reviewed the Environmental Safety and Sanitation Officer's self-monitoring inspection report and inspection reports from the DCDOC Food Services Monitors for the Aramark contract for the Culinary. The Environmental Safety Officer's report is forwarded to the Executive Compliance Officer who forwards same to the Warden. The Warden ensures that an abatement plan is developed and implemented. Compliance monitors audit the work and report results to the Executive Compliance Officer for follow up if needed. The results of the inspections indicating the percentage of items which passed inspection are as follows:

09/13/96	91%
01/27/97	94%
02/27/97	92%
03/31/97	91%
04/29/97	93%
06/30/97	96%

³⁵ Exhibit #38, Copies of the written preventive maintenance work orders.

IV. FIRE SAFETY

¶60. Fire Alarm System

This writer reviewed documentation indicating that a manual fire alarm system and fire detection system were installed in Dorm Six.³⁶ A work order for installation of a bathroom strobe light and horn system to be tied into the fire alarm system in Dorms 6 and 7 was submitted on September 3, 1997 and per the Deputy Warden for Programs the work was completed on October 10, 1997 in Dorm 6.³⁷

There is no automatic retransmission of the above systems to a constantly attended location outside of the dormitory. There is no control panel to provide emergency power or to send a warning if the system is not operational. The Facilities Management Chief has included the needed materials in Purchase Order 59-EL-0020-98).³⁸

¶61. Fire Alarm System in Administration, the cafeteria and gymnasium

Documentation confirms that a manual fire alarm has been replaced in the Administration Building, the kitchen and dining hall, the gym and the school.

¶62. Install sprinkler system and 20 minute fire rated enclosure of storage rooms in Annex dorms

³⁶ Exhibit #39, documentation indicating that a manual fire alarm system and fire detection system are installed in Dorm Six. Documentation confirms that a manual fire alarm has been replaced in the Administration Building, the kitchen and dining hall, the gym and the school.

³⁷ Exhibit # 40, In status report memo dated 10/10/97, the Deputy Warden for Programs attests that this work is now complete.

³⁸ Exhibit #41, Memo dated October 9, 1997 from Facilities Management Chief regarding the status of purchases for repairs to Dorms 6 & 7 at the Annex and copies of the materials procurement requests.

No sprinkler system has been installed in Dorms 6 or 7. The Fire Marshal confirms that there are 120 minute fire rated enclosure of storage rooms in Dorm 6. A procurement contract request (55-ML-00460-98) is pending.

¶63. Fire retardant linen, blankets and draperies

The facility is not in compliance with the use of fire retardant bedding because staff erroneously thought bedding purchased from Industries met this standard. This product is available on the open market and will be purchased. Venetian blinds were installed in Dorms 6 and 7 to meet fire retardant standards. Blinds, in lieu of curtains or draperies, allow more light into the dorm while protecting privacy.

¶64. Fire Drills

Documentation of all Fire Drills

A review of monthly compliance reports indicate that defendants have provided plaintiffs with monthly fire drill reports as part of the compliance report. Regarding the findings from each drill, the institution Fire Safety Officer was interviewed and reported the following explanations of standards in fire drill assessments:

a. OFFICERS KNOWLEDGEABLE OF EVACUATION PLAN -
that all doors are opened, officers ensure building is emptied, inmates are ushered to correct holding place and all inmates accounted for. (The Fire evacuation plan is contained in the Post Order and is posted on the wall.)

b. **COMMUNICATION W/ CONTROL** - Primarily a radio check to evaluate response time and transmission adequacy.

c. **AIR PACK MONITOR** - Due for servicing prior to December 31, 1997 (preventive maintenance schedule is every 3 years). No service contract in place to do so. To be pursued at FY '98.

Fire drill reports were reviewed as follows:

Dorm 7		Dorm 6
10/08/96	04/03/97	04/03/97
11/14/96	04/29/97	04/29/97
12/31/96	05/27/97	05/27/97
01/30/97	06/30/97	06/30/97
02/20/97		

¶65. Semi-Annual Fire Safety Training for All Correctional Officers

The undersigned has reviewed Training attendance rosters for 7/29/96 - 9/10/96 semi-annual training which indicated that ninety-five Correctional Officers completed training. The facility Fire Safety Officer is responsible for ensuring that this training occurs. Annual fire safety training at the Academy is included in the 40 hour In-service training.³⁹ The attendance rosters for the In-service fire safety training module initiated 2/1/97 to 6/30/97, do not require the participants to indicate the institution to which they are assigned thus the undersigned is not able to readily determine who has completed same.

¶66. Fire Safety Inspections

³⁹ Exhibit #42, Fire Safety Training Manual.

a. The undersigned reviewed weekly inspections of all buildings and grounds for the Annex as conducted by the facility Fire Safety Officer and quarterly inspections of fire equipment. These reports have been forwarded to the plaintiffs as part of the monthly compliance report.

b. Quarterly inspection reports conducted by the DOC Fire Marshal are forwarded to plaintiffs with the monthly court order compliance report.

¶67. Annual DCFD Inspection

The annual DCFD Inspection of the Minimum Security was conducted on July , 1997. The report was received by the DOC Fire Marshal in September 1997 and was forwarded to the Minimum Security Facility Warden on October 10, 1997⁴⁰. The Deputy Warden for Programs stated on October 10, 1997 that three of the deficiencies cited (as the Facility Fire Safety Officer was taking notes during the inspection) and a complete abatement report will be prepared on October 14, 1997 with the thirty day repair period being November 10, 1997.

D. FINDINGS

1. ¶4. Sexual Misconduct Policy and Procedures

The Minimum Security Facility and Annex were not in Compliance with DO 3350.2A. On July 22, 1997, the DO was not posted in Dorm Six and Seven, the

⁴⁰ Exhibit #43, DCFD Inspection Report for July 30, 1997.

Roll Call Room or the Law Library. On October 3, 1997 during a random check of the facility, I observed DO 3350.2A posted in Dorms 6 and 7.

2. ¶5. Sexual Misconduct - Prevention and Remedy

In Compliance with procedures.

3. ¶6. Definition of prohibited conduct

In Compliance.

4. ¶7. Penalties for prohibited conduct

DO 3350.2A contains provisions for discipline of employees who violate this policy.

5. ¶8. Inmate reporting of sexual misconduct

In compliance. There is an IGP process and a Inmate Grievance Committee and the posted DO 3350.2A and Inmate Bulletin notifies inmates of how to report complaints. During the time period from September 1, 1996 to June 30, 1997, no female inmates filed a complaint of sexual misconduct.

6. ¶9. Inmate complaint reporting methods

In compliance as noted in the posted DO 3350.2A and inmate bulletin. During this time period, no female inmates initiated any complaints of sexual misconduct.

7. ¶11. Staff reporting responsibilities

In compliance. There has been one complaint of sexual misconduct filed by a staff member on behalf of a female inmate.

8. ¶12. Reporting Sexual Abuse to law enforcement

In compliance 9/96 - 6/97. However, no referral made to FBI in recent case. Minimum Security Facility does not have written procedures on the institutional level for the reporting of sexual misconduct to law enforcement.

9. ¶13. Confidentiality requirements

In compliance as no known complaints of breach of confidentiality filed. Confidentiality provisions were followed in the recent incident of sexual misconduct when the investigators complied with the inmate/victim's request to place her name and signature in her statement under seal.

10. ¶14. Inmate Appeal procedures

In Compliance.

11. ¶15. Staff training in Prevention of sexual misconduct

In compliance. 171 staff received Initial Training from 9/2/95 - 3/1/96 and to date 60 employees have received In-Service Training which began in 2/97.

12. ¶16. Inmate training in Prevention of sexual misconduct

In compliance. Between August 29 and September 21, 1995, 120 female inmates at the CDF received mass training in the identification, prevention and reporting of sexual misconduct against inmates. The Minimum Security Facility requires that newly transferred female inmates must attest that they have received the training, or they will be trained at Minimum.

13. ¶17. Physical plant alterations to ensure female inmate privacy

In compliance. Alterations were made to ensure women prisoners' privacy in their living, sleeping and shower areas via installation of venetian blinds on windows in Dorm 6 and 7 and shower curtains on the stalls.

14. ¶20 Scheduling to maximize participation

In Compliance. Academic school is offered six hours per day and the higher education program is offered in the evenings.

15. ¶21 Install two trailers at the Annex to allow for additional programming.

In Compliance. Two additional trailers (with working sanitary facilities) have been erected at the Annex.

16. ¶23 Procedures for Inmate Movement.

In compliance. There is an Escort DOP 4001 DATED 5/24/97 and Post Order for "Patrol/Escort (Females)" at the Facility.

17. ¶24 Academic participation

In compliance. Women receive academic (ABE and GED) and higher education equivalent to those received by male inmates.

18. ¶26 Full time education program at the Annex

Women can attend academic classes from three to six hours per day (for example, combination of GED and ETAP).

19. ¶28 Higher Education financial assistance

In compliance. Tuition and books are free to female inmates.

20. ¶29 Substitute Teachers

In compliance. Coverage was adequately provided during an instructor's extended absence and procedures are in place for vacation and holiday coverage.

Low number of female students allows doubling classes and still meeting teacher:student ratios.

21. ¶36 Contract Programs

In compliance. Contract with ALNA and UDC were compatible and fulfilled the provisions of this order.

22. ¶37 Vocational Development Specialists at the Annex

In compliance. The women have a full time VDS.

23. ¶38. Roofs Repair or Replacement on Dorms Six and Seven.

In Compliance. The roofs in Dorms 6 and 7 have been repaired.

24. ¶39. Repair dorms to prevent rodent entry and follow pest control plan

In compliance. Repair Work completed on Dorms Six and Seven to control vermin and pesticide treatments are conducted on schedule.

25. ¶40. Provide each woman with at least vertical and one foot locker.

In compliance. Each woman had one vertical and one foot locker.

26. ¶41. Inspection and Replacement of Torn Mattresses

In compliance. The Sanitation and Environmental Officer inspects mattresses and pillows on a weekly basis and replaces torn items.

27. ¶42. Transporting of laundry

In compliance for transporting clean laundry in clean lined carts.

28. ¶43. Documentation of Current Candle Levels in double-bunked areas

In compliance in Dorm 6 where Bathroom, ceiling night lights, and individual lower bunk reading lights installation was completed in February 1997. In addition, the facilities maintenance foreman stated that there is a 100% backup generator for emergency lights.

Not in compliance in Dorm 7 where accomodating electrical renovations have not been achieved. Materials are on order.

29. ¶44. Cleaning supplies documentation

In compliance. Cleaning supplies are delivered on schedule.

30. ¶45. Plumbing Connections in Annex Trailers

In compliance. The plumbing was working in program trailers.

31. ¶46. Provide accessible sanitary facilities for women in Industries

In compliance. A bathroom was installed in the Garment Shop prior to the trial and it remains accessible for women employed in Industries.

32. ¶47. Improve air quality in dorms, Industrial garment and print shops

In compliance in Dorm 6. Central air conditioning was installed.

Not in compliance in Dorm 7 which currently does not house any inmates. Materials for renovation are on order.

OHSA inspects the Industries Print Shop and Garment Shop. Not always in compliance.

33. ¶48. Install drainage system at the Annex

In compliance. Gutters, drains, graded ditches, concrete water run-offs installed at Dorms 6 and 7.

34. ¶49. Preventive Maintenance Plans

In compliance with use of a preventive maintenance program.

35. ¶50 DCRA Inspections 3 times per year

In compliance with DCRA Inspections.

36. ¶60. Fire Alarm System

In compliance in Dorm 6 for installing fire detection and alarm system and a bathroom shower area strobe light and horn alert.

Not in compliance in Dorm 6 for automatic retransmission of the above systems to a location outside of the dorms no control panel to provide emergency power or to send a warning if the system is not operational.

Not in compliance in Dorm 7. Materials on order. No inmates currently housed there. The Facilities Management Chief has included the needed materials in Purchase Order 59-EL-0020-98).

37. ¶61. Fire Alarm System in Administration, the cafeteria and gymnasium

In compliance. A manual fire alarm has been replaced in the Administration Building, the kitchen and dining hall, the gym and the school.

38. ¶62. Install sprinkler system and 20 minute fire rated enclosure of storage rooms in Annex dorms.

Not in compliance. No sprinkler system has been installed. The Fire Marshal confirms that there is 120 minute fire rated enclosure of the storage room in Dorm 6. A procurement contract request (55-ML-00460-98) is pending for alarm system. Fire rated enclosure in Dorm 7 to be installed during renovation.

39. ¶63. Fire retardant linen, blankets and draperies

Not in compliance with use of fire retardant linen and blankets. Venetian blinds installed in Dorms to meet fire retardant standards.

40. ¶64. Fire Drills

In compliance with conducting, monitoring and documenting monthly fire drills.

41. ¶65. Semi-Annual Fire Safety Training for All Correctional Officers

In compliance. Fire safety training conducted 7/29/96 - 9/10/96 and 2/1/97 - 6/30/97.

42. ¶66. Fire Safety Inspections

In compliance with Fire Safety Officer conducting weekly fire safety inspections and DCDOC Fire Marshal conducting quarterly inspections.

43. ¶67. Annual DCFD Inspection

In compliance. The annual DCFD Inspection of the Minimum Security was conducted on July 30 , 1997. Abatement is underway.

RECOMMENDATIONS

1. ¶4. Revise Post Orders consistent with DO 3350.2B. In the interim write and attach an addendum to the housing unit Post Orders directing that sexual misconduct (to include sexual acts, sexual contact, sexual harassment and invasion of privacy), retaliation and breach of confidentiality is prohibited; that each employee must verbally report incidents and complaints of sexual misconduct directly to the Warden and follow up with a written report by the end of their business day; that staff of the opposite sex must announce themselves when entering the unit and cell tier; that the Housing Unit Officer-in-Charge inspect and enter into the Housing Unit log book, certification that the DO is posted when they assume responsibility for the unit at shift change.
2. ¶6. Include Opposite sex announcement in Escort Officers Post Orders, etc.
3. ¶8. Warden to ensure that IGAC meetings are held monthly and minutes are recorded and included in monthly compliance report.
4. ¶18. Develop procedures for the least restrictive transport of women.

5. ¶29. Develop a substitute teacher plan of action for coverage during absences of more than five (5) days when the combining of classes would exceed the teacher to student ratio standards for adult education.
6. ¶35. Conduct affirmative outreach to increase participation.
7. ¶47. In conjunction with Facilities Management, develop plan of action for housing women during renovations to Dorms 6 and 7.
8. ¶62. In conjunction with Facilities Management, develop plan of action for housing of women in Dorm 6 for installation of the sprinkler system.
9. ¶62. Purchase flame retardant linen and blankets by January 1, 1998.
11. ¶65. Minimum Security to develop plans by September 30, 1997 to ensure officers receive re-training in Fire Safety at a six month interval.
12. ¶66. The institutional fire safety officer will revise the inspection report by September 30, 1997 for more comprehensive documentation (to include the status of uncompleted or long-term repairs, etc.)
13. ¶67. Develop and abate DCFD inspection deficiencies by November 10, 1997.



**AUDIT OF COMPLIANCE WITH THE COURT ORDER
IN WOMEN PRISONERS V. D.C. CA 93-2052**

CCA/CTF - CORRECTIONAL TREATMENT FACILITY (CCA/CTF)



A. METHODOLOGY

This report is based on the following:

1. Findings from regular inspections as the DCDOC Monitor for the CCA/CTF Contract and inspections specifically relating to this audit.
2. Interviews with inmates; facility correctional and program managers, supervisors and line staff; executive level managers assigned to CCA/CTF Corporate Office and the Assistant Corporation Counsel in this case.
3. Review of DC documents to include the CCA/CTF Technical Proposal, the Operations and Management Agreement, the lease agreement, CCA/CTF policies, procedures, directives and work plans; relevant Court Orders; compliance reports and other program evaluation reports; correspondence files, shift records; log books; reports on sexual misconduct and inmate grievance complaints and findings; staffing plans and duty roster reports; training files; program schedules and reports prepared by expert consultants and the Special Officer of the Court.

B. REPORT FORMAT

The report identifies each subject area by descriptive title and the corresponding number in the Order. The report will conclude whether there is compliance with the Order, describe plans for achieving compliance, identify obstacles concerning continuing compliance and, where applicable, propose recommendations by the undersigned.

C. AUDIT REPORT

Introduction

The DC Department of Corrections (DCDOC) and the Corrections Corporation of America (CCA/CTF) entered into an Operations and Management (O&M) Agreement effective March 16, 1997.

The CTF continues to house the 256 bed Female Offenders Unit in E Building and a 32 bed Substance Abuse Unit in D Building. The Reception and Diagnostic, Infirmary/ Physically challenged units and the Substance Abuse programs for males remain.

The purpose of this report is to provide findings which address whether the CCA/CTF is in compliance with the provisions of the court order in CA 93-2052 Women Prisoners v. D. C. Findings are based upon DC Documents inspections, physical plant inspections and interviews with management, line staff and inmates. Pertinent exhibits are included for inspection.

Contract Monitoring

In accordance with the contractual agreement between and CCA/CTF the services provided the Operator shall, at a minimum, provide the level of prison services and protection to the inmates and the public that are currently being offered as of the date of the Agreement. In addition, beginning not later than six months after the commencement date, the operator shall cause the CTF to be operated and maintained in accordance with the standards required by the Court Orders.

The O&M required the Operator to make physical plant improvements to the CTF to include improvements to the HVAC/Mechanical systems (i.e., Air balancing the entire system, upgrading the energy management system, replacing chiller and steam coils as needed; improving the electrical and plumbing systems; and repairing roof leaks, the elevator system and the sprinkler/fire alarm system).

The O&M requires that the District Representative (i.e., the Executive Deputy Director) be responsible for the day-to-day activities of the District with respect to the Agreement. The DCDOC and the Operator's representatives are required to meet at least weekly to review the operation of the CTF and in particular to identify and address any issues with respect to the Operator's performance under the Agreement. The Operator has prepared a basic manual which provides instructions to its personnel regarding the operation of the CTF.

Regina C. Gilmore is the Acting Contract Monitor under the Agreement. She is assigned full time to the CTF and is the primary point of contact. On July 2, 1997, the consultant firm of Pulitzer, Board and Associates was contracted, for a one year period, to work in conjunction with the Contract Monitor to establish standards and capacity building to include:

- prisoners
quality
first*
- Development of a monitoring system⁴¹ and a quality assurance plan to ensure the operator's compliance with contract terms as well as compliance with all aspects of service delivery (ex: security, programs, health care, food services, maintenance and court orders).
 - Monitoring implementation of \$3.85 million in capital improvements.
 - Developing capacity within the DCDOC to assume responsibility for contract monitoring by mid-1998.
 - Assisting in negotiating and resolving claims concerning alleged failures of the operator to comply with contractual agreements, should such occur.
- >*

The consultants have part time experts in the areas of contract compliance, construction, security, health services, food services and sanitation. These experts perform regular inspections, inquiries and findings of performance standards.

DCDOC Compliance Monitoring

The DCDOC Office of Compliance continues to assign a Compliance Monitor to oversee CCA/CTF's compliance with applicable Court Orders which include CA 93-2052. CCA/CTF submits a monthly compliance report which is identical to the format and provisions previously reported on by DCDOC. The Compliance Monitor regularly meets with CCA/CTF regarding issues and concerns and will be included in meetings with the Contract Monitor and CCA/CTF regarding compliance with court orders.

⁴¹ The monthly Performance Measures report, developed by the DCDOC contract monitoring consultants, is used by CCA/CTF as a self-monitoring tool and by the DCDOC monitoring staff.

CCA/CTF Compliance Monitoring

CCA/CTF has a facility Compliance Monitor who is responsible to monitoring and self-inspection for the court orders and general operational issues to include, but not limited to security, programs, health care, food services, and maintenance. As noted the Performance Measures report is used by CCA/CTF for self-monitoring and for compliance monitoring by the DCDOC contract monitors.

In addition, the Operator shall audit at least annually, using personnel other than employees assigned to the CTF, its compliance with the terms of this Agreement and the Operating Standards. The findings shall be shared with DCDOC monitors.

CCA/CTF Health Services Coordinator

CCA/CTF has a health services coordinator who is responsible for monitoring and administration in that area.

CCA/CTF Sexual Misconduct Coordinator/Inmate Grievance Coordinator

CCA/CTF has a Coordinator that administers and monitors the inmate complaint processes.

D. Court Ordered Provisions In C.A. 93-2052

I. SEXUAL HARASSMENT

¶4. CCA/CTF Sexual Misconduct Policy and Procedures

The CCA/CTF has a written Policy CCA/CTF Policy 14-1000 ", Sexual Misconduct Against Inmates", dated January 15, 1997 which are the procedures for reporting, investigating and disposition of incidents of sexual misconduct.⁴² This policy was modeled after Department Order 3350.2A for the D.C. Department of Corrections. CCA/CTF Policy 14-100 will be revised in accordance with Department Order 3350.2B "Sexual Misconduct Against Inmates", dated October 15, 1997.

CCA/CTF Policy 14-100 has written procedures regarding posting of the Sexual Misconduct policy and procedures.⁴³ CCA/CTF Policy 9-7 "Security Inspections" effective January 1, 1997 for the CTF, mandates general security inspections and Documentation. This auditor has inspected CCA/CTF Form 9-7A "Daily Reports" from May, 1997 to August, 1997, wherein each Shift Unit Lead Officer, upon assumption of duty, certified that sensors, radios, unit keys, fire extinguishers and Sexual Misconduct policy is posted.⁴⁴ The completed forms are too numerous to include in this report as exhibits but will be maintained for inspection if plaintiffs so request.

During an inspection on September 8, 1997, the undersigned found that neither DO 3350.2A nor CCA/CTF Policy 14-1000 was posted in any of the female housing units which are in E Building. The undersigned notes that there are locked bulletin boards in the hallway of each wing where the policy can be posted and secured. During regular inspections as the Contract Monitor, this Auditor has inspected and found that

⁴² Exhibit #44, CCA/CTF Policy 14-100 "Sexual Misconduct Against Inmates".

⁴³ Exhibit #45, CCA/CTF Policy 1-3 "Dissemination and Availability of Policies, Procedures, Operational Manuals, Technical Manuals or Post Orders", for CTF effective January 15, 1997.

⁴⁴ Exhibit #46, Form 9-7A "Daily Reports" is an attachment to CCA/CTF Policy 9-7. The exhibited Sample Copy of form utilized by relieving correctional officer's inspection that Policy CCA/CTF 14-100 is posted upon assuming custody of the housing unit.

the Sexual Misconduct policy was posted on staff bulletin boards (to include at staff entrance, in the Substance Abuse administrative area, in the Women's program administrative area and in the inmate library).

The CCA/CTF has developed written instructions in the form of a memorandum which highlights a definition of sexual misconduct, reporting requirement for complaints of sexual misconduct and mandates for confidentiality⁴⁵. In addition, CCA/CTF has printed poster size notices of "Zero Tolerance of Sexual Misconduct Against Inmates." This poster will be posted behind plexi-glass shields throughout the building to include on housing units, in the gymnasium, in the Culinary unit, in the Receiving and Discharge Unit, in the school, on the Medical units to include in the OB-GYN exam room, at staff entrance and at other inmate program areas.

¶15 Sexual Misconduct - Prevention and Remedy

CCA/CTF Policy 14-100 contains procedures for the detection, prevention, reporting and investigation of sexual misconduct against inmates and for the discipline of employees who engage in sexual misconduct against inmates.

To improve surveillance and increase security for both staff and inmates, 98 additional CCTV cameras have been installed throughout the facility (to include on elevators and in other blind spots). Additional crash gates have been installed for controlled escorting and improved supervision of inmates.

The CCA/CTF has contracted with Delany, Siegel and Zorn to investigate allegations of sexual misconduct.⁴⁶ There have been four (4) incidents reported between March 16,

⁴⁵ Exhibit #47, Memorandum dated July 22, 1997 to all staff re: mandates of policy for prevention of sexual misconduct against inmates.

⁴⁶ Exhibit #48, CCA/CTF Contracts for investigation of complaints of sexual misconduct against inmates.

1997 and September 30, 1997. Three investigations have been completed with findings of "no evidence to support a finding of sexual misconduct". The fourth incident occurred on September 28, 1997 and has been referred to MPD and for administrative investigation. A brief summary of each incident is provided.⁴⁷

¶6 Definition of prohibited conduct

Prohibited conduct under CCA/CTF Policy 14-100 is defined in accordance with the Court Order and Department Order 3350.2A for sexual misconduct which includes sexual acts, sexual contact, sexual harassment and invasion of privacy against inmates as well as retaliation against inmates who refuse to submit to sexual misconduct or against individuals because of their involvement in the reporting or investigation of a sexual misconduct complaint. Policy and procedures for maintenance of confidentiality and sanctions for breaching confidentiality are contained in CCA/CTF Policy 14-100. Policy and procedures prohibiting and discipline for interference in the reporting or investigation of complaints is contained in CCA/CTF Policy 14-100.

¶7 Penalties for prohibited conduct

CCA/CTF Policy 14-100 contains provisions for discipline of employees who violate this policy.

¶8 Inmate reporting of sexual misconduct

CCA/CTF Policy 14-100 contains procedures for inmate reporting of complaints of sexual misconduct via use of IGP system to report complaints of sexual misconduct. This provision is contained in the Inmate Bulletin "Prevention of Sexual Misconduct

⁴⁷ Exhibit 51, Summary of sexual misconduct complaints against female inmates for period 9/1/96 to 6/30/97.

Against Inmates" which is distributed to female inmates at the Receiving and Discharge Unit.

The CCA/CTF Inmate Grievance Advisory Committee (IGAC) was initiated in April, 1997. The first meeting was held on April 15, 1997. The committee is chaired by the IGP Coordinator. Other staff members of the IGAC are the Warden, the Assistant Wardens for Operations, Programs and Administration, the Program Managers (Substance Abuse, Reception and Diagnostic and Female Offender Unit), the Health Services Manager, the Business Manager, the Safety/Sanitation Manager, the Academic Principal, the Maintenance Supervisor, an ARAMARK Representative, (food services contract) and the Records Office Chief. The Court Order Compliance Monitor periodically sits in on IGAC meetings. Inmate representatives are from the Female Offender Unit, the Substance Abuse Unit, the Medical Unit and the Reception and Diagnostic Unit. A review of the CCA/CTF IGAC's meeting minutes found that the first two meetings primarily dealt with inmate concerns for understanding how the CCA contract and privatization would impact on them, whether Court Orders imposed on DCDOC applied to CCA and general operations. No specific complaints as relating to the Order were observed.

¶9 Inmate complaint reporting methods

CCA/CTF Policy 14-100 provides that female inmates may report complaints of sexual misconduct orally or in writing, to any employee, through the IGP system or to a IGAC prisoner representative.

Of the four (4) reported complaints of sexual misconduct on behalf of female inmates, one report was filed by an employee, two were verbally reported by the inmate

complainant to a staff member and one was reported by the complaining inmate on an IGP form.

The IGP Coordinator is also the Sexual Misconduct Against Inmates Coordinator (hereafter the Coordinator). The Coordinator has the responsibility for monitoring the reporting telephone hot line, screening and processing complaints and appeals relating to sexual misconduct, monitoring the status of criminal investigations against staff accused of sexual abuse, and coordinating and monitoring the complaint process.

who?

¶10 Confidential Telephone Hot line

A separate voice mail 1-800 line is being installed on the Bell-Atlantic contracted employee phone system in the Sexual Misconduct Coordinator's office that is restricted by a password. That phone is working however, CCA/CTF has contracted inmate telephone services with Invision in August 1997. By October 17, 1997, the Assistant Warden for Operations will confirm that Invision has placed a block on the inmate phones to restrict monitoring of calls when they are made from any telephone in the system to this number. The Hot line is expected to be in full operation by October 24, 1997.

¶11 Staff reporting responsibilities

CCA/CTF Policy 14-100 provides for discipline of employees who fail to report acts or allegations of sexual misconduct. A reminder is contained in the July 22, 1997 bulletin posting referenced in ¶4.

¶12 Reporting Sexual Abuse to law enforcement

In accordance with DO 3350.2A, CCA/CTF Policy 14-100 contains policy and procedures for the reporting of sexual assault against inmates to MPD. In interviews with the Warden, Assistant Wardens, Sexual Misconduct Coordinator and the Security Director, this auditor has determined that the CCA/CTF does not have an accurate understanding of the circumstances of a sexual misconduct incident that warrants referral to the MPD. While staff is clear that a sexual assault must be reported, they were not aware that sexual acts (when the inmate "consented") and sexual contact sexual touching must be referred to MPD. As a result, no referrals were made to law enforcement in two of the complaints. In one complaint, the inmate requested to press charges and MPD was contacted on September 11, 1997. MPD did not interview the inmate until on September 16, 1997. The Sexual Misconduct Coordinator advised the undersigned that when asked for the report number, the detectives stated they were not assigning one. In the fourth allegation which was submitted by staff on September 28, 1997, the matter was reported to MPD and no status of that complaint is yet made. The Sexual Misconduct Coordinator has the responsibility for monitoring the Hot line, referring complaints directly received via letter or the hotline to the Warden and for communicating with the MPD Sex Squad concerning the status of any investigation.

CCA/CTF Policy 8.3 "Crime Scene Procedures", CTF dated January 15, 1997, regarding the reporting of cases of assault is additional policy that is applicable to reporting incidents/complaints of sexual acts and sexual contact between employees and inmates.⁴⁸

¶13 Confidentiality requirements

CCA/CTF Policy 14-100 mandates that confidentiality of the complaint and the identity of the alleged victim and respondent shall be maintained. All parties notified

⁴⁸ Exhibit #49, CCA/CTF Policy 8.3 "Crime Scene Procedures", CTF dated January 15, 1997

of the complaint or interviewed are advised by the Sexual Misconduct Coordinator and/or the Investigator that retaliation, reprisal or breach of confidentiality is prohibited.

¶14 Inmate Appeal procedures

CCA/CTF Policy 14-100 contains procedures for advising inmates of appeal rights and individual notification to each inmate when a complaint was filed on her behalf.⁴⁹ One inmate filed an appeal to the Director which was denied.

¶15 Staff training in Prevention of sexual misconduct

Certified DCDOC Sexual Misconduct Against Inmate Trainers conducted training for new CCA/CTF employees regarding the prevention of sexual misconduct for the time period of March 16 through August 15, 1997.⁵⁰ CCA/CTF currently uses DCDOC Trainer and Student Manuals for Pre-service and In-Service Training. Trainers sign a form, that is maintained in their individual training folders, attesting that they have received a copy of the policy.⁵¹

On August 2, 1997, the undersigned, as Contract Monitor and a Certified Trainer in the Prevention of Sexual Misconduct Against Inmates, conducted Train the Trainer and

⁴⁹ Exhibit #50, Individual inmate notices of Appeal rights upon notification of the investigative findings of whether evidence supports the conclusion of sexual misconduct.

⁵⁰ Exhibit, #52 Attendance rosters of CCA/CTF staff who have received Prevention of Sexual Misconduct Against Inmates.

⁵¹ Exhibit #53, Memo, dated August 29, 1997 from the Training Manager re: format for staff acknowledgment of receipt of Policy 14-100.

certified the CCA/CTF Training Administrator to conduct employee training in the Prevention of Sexual Misconduct Against Inmates.⁵²

Former DCDOC staff who are now CCA/CTF employees have not yet received Annual Refresher Training. CCA/CTF is scheduled to being the forty (40) hour In-service training for approximately 117 former DCDOC employees. The ninety (90) minute refresher training module will be included in the In-service training.

¶16 Inmate training in Prevention of sexual misconduct

Available records indicate that the mass training in the prevention, recognition, reporting and investigation of complaints of sexual misconduct was conducted for one hundred and sixty-nine (169) women prisoners at the DCDOC/CTF for the time period of September 6, 1995 and September 30, 1995⁵³. Training commenced on August 30, 1995, therefore it is the undersigned's belief that an additional 30-40 female inmates were trained.

Weekly female prisoner training is currently conducted at the CDF but not the CTF. Pregnant females are all housed at the Correctional Treatment Facility in Unit E 3-A. The CDF is required to transfer pregnant females within twenty-four (24) hours of knowledge of pregnancy. There are no procedures for ensuring training for female inmates who are transferred from CDF prior to receiving the orientation training that is conducted there once a week. CCA/CTF currently provides female inmates with a copy of Inmate Bulletin "Prevention of Sexual Misconduct Against Inmates".

⁵² Exhibit #54, Memorandum dated 4, 1997 re: certification of the CCA/CTF Training Administrator to conduct employee Pre-service and In-service Training in the prevention of sexual misconduct against inmates.

⁵³ Exhibit #55, Attendance Rosters for female inmates at CTF for time period 9/6/95 to 9/30/95.

¶17 Physical plant alterations to ensure female inmate privacy

The CCA/CTF has implemented procedures to ensure women prisoner's privacy in their living, sleeping and shower areas. CCA/CTF Policy 14-100 requires staff of the opposite sex to announce their presence when entering the housing unit. This auditor has observed this practice on many occasions while conducting routine inspections.

Opaque material has been placed on the outside of each inmate's window in E building to prevent outsiders to being able to see into the rooms.⁵⁴ On September 8, 1997 at approximately 8:45PM, this auditor observed E Building cell windows from the cells in D Building and from the outside recreation yard. With the lights on in the cell in E Building, vision of the woman's nude silhouette is not significantly reduced. It is noted that the film does suffice as a screen during daytime hours. This information was reported to the Warden and the CCA/CTF Director for Maintenance and Construction on October 6, 1997 to correct the problem.

II. OBSTETRICAL AND GYNECOLOGICAL CARE**¶18 Protocol regarding use of restraints on pregnant and postpartum women**

The CCA/CTF has a implemented a procedure that pregnant females are to be transported in the least restrictive way possible consistent with legitimate security reasons.⁵⁵

⁵⁴ Exhibit #56, Product Specification of "Clear Focus Film" window covering.

⁵⁵ Exhibit #57, Memo with notification form from the Medical Services Administrator, dated 5/30/97 that pregnant females are to be transported in the least restrictive way possible consistent with legitimate security reasons.

Pregnant females are all housed at the Correctional Treatment Facility in Unit E 3-A. The CDF is required to transfer pregnant females within twenty-four (24) hours of knowledge of pregnancy. Escort is usually conducted without any form of security restraints because the female is escorted from CDF to CCA/CTF via an enclosed walkway that connects the two buildings. In addition, the CDF medical staff usually notify the CCA/CTF Count Desk and Receiving & Discharge unit that they are transferring/transporting the female because she is pregnant and indicate same on the Medical Control Form. The undersigned has observed Record Office's copies of Control Form and inter-institutional transfer from which contain a notation of "Preg." or "Pregnant".

There are procedures for notification by medical staff to CCA/CTF and Transcor⁵⁶ that the inmate is pregnant.

III. PROGRAM EVALUATION

¶19 Diagnostic evaluations

In order to meet Congressional mandates that designated facilities be closed, during the time span of June 1 through September 30, 1997 the Reception and Diagnostic Unit has had to complete over 270 studies for male inmates in order to replenish the population at Central Facility as 1,400 inmates were transferred from Lorton to the contract facility in Youngstown, Ohio and for 108 comprehensive Youth Rehabilitation Act studies as mandated by law⁵⁷. While testing of over thirty-one (31)

⁵⁶ Exhibit #58, Memo dated 5/30/97 from Warden and CCA/CTF Post Order for Transportation Officers re: restraint of pregnant inmates. CCA/CTF subcontracts with Transcor for escorting of inmates to destinations outside of the facility.

⁵⁷ Exhibit #59, CCA/CTF Reception and Diagnostic Unit Monthly report statistics for June - September 1997.

female inmates has been initiated, four (4) studies have been completed based upon priority mandates. The Chief of that unit advised this auditor that emphasis has been placed upon completing an average of ten (10) female inmate diagnostic studies per month beginning in October 1997.

¶20 Scheduling to maximize participation

School is held for females in the morning from 8 AM to 11AM⁵⁸. The courses taught are ABE, GED and Life Skills (ETAP & Parenting).⁵⁹ It was reported on September 5, 1997 that a total of 74 female inmates were enrolled in academic courses and males in the afternoon. In addition, two classroom sessions (i.e., AM and PM) are given to female inmates in the DocuTech vocational course.

Females are primarily employed in the skill-producing on-the-job training squads such as facilities maintenance, supply management, commercial cleaning and the Officers Dining Room food service program. Males are employed in the Culinary and environment squads which are primarily manual labor.

¶23 Procedures for Inmate Movement.

Until August 1997 elevators 7 and 8 were manually operated to allow rapid deployment of female inmates to programs. CCA/CTF has repaired and reprogrammed the elevator system for more efficient operation and has installed a more comprehensive central control system that enhances the speed of elevator and door control and manual elevator operation ceased. The Principal began monitoring

⁵⁸ Exhibit #60, Academic and Vocational Program schedule for CCA/CTF.

⁵⁹ Exhibit #61, (Section #20C) Enrollment statistics on September 5, 1997.

student arrival times in August 1997 and reports that students are arriving to class on time.⁶⁰

It is anticipated that movement will significantly improve moreover when in the near future the elevator system is removed from the central control system and operated by CCA/CTF escort staff via fingerprint control access. The camera and access equipment have been installed in the elevators to implement this process. Additional intercoms have been intergrated into the Control Center to improve movement.

¶26 Academic participation

The Academic programs are provided for female inmates from 8 AM to 11AM on Monday through Friday.⁶¹ The courses taught are ABE, GED and Life Skills (ETAP & Parenting).⁶² It was reported on September 5, 1997 that a total of 74 female inmates were enrolled in academic courses.

¶27 Higher Education

Female inmates have not have college courses available to them since CCA assumed operation and management of the contract on March 16, 1997. CCA has attempted to obtain a contract with UDC since mid May 1997. The negotiation was delayed on UDC's part for almost three months because the UDC contract coordinator was RIF'ed and the contract lay dormant. UDC and CCA have resumed negotiation and are in the final stages of reaching an agreement however UDC operates on a semester term and classes may possibly be delayed until January 1998. The contract provides for up to two college courses per semester in the Fall and Spring. The

⁶⁰ Exhibit #62, Academic school's monitoring of inmate arrival times to school 8/18/97 - 10/6/97.

⁶¹ Exhibit #60, Academic and Vocational Program schedule for CCA/CTF.

⁶² Exhibit #61, (Section #20A) Enrollment statistics on September 5, 1997.

courses lead to an AA Degree in Legal Assistant, Accounting Technology, Management Technology or Urban Studies with core courses leading to a BA Degree in Urban Studies.⁶³ Female inmates have been interviewed for college placement.⁶⁴ The pre-college program has not been initiated. The Deputy Warden for Programs noted exclusion of this program to have been an oversight and classes will begin by not later than November 3, 1997.

¶28. Higher Education financial assistance

The Assistant Warden for Programs advised that tuition and books will be free to the female inmate.

¶29. Substitute Teachers

The CCA/CTF has implemented a procedure for substitute teachers for coverage of any leave of absences of educational staff for a period of more than five (5) days.⁶⁵

¶31. Prevocational programs

CCA/CTF offers a six month Life skills course that is divided into three 8 week modules consisting of (1) Employment Techniques and Awareness (ETAP), (2) Communication and Conflict Resolution and (3) Parenting.⁶⁶

¶32. Vocational programs

⁶³ Exhibit #63, proposed CCA/CTF contract with UDC.

⁶⁴ Exhibit #64, Lists dated 7/9/97 of thirty-nine (39) females who signed up for higher education application interviews.

⁶⁵ Exhibit #65, dated April 11, 1997 memo establishing procedures for implementation of substitute teachers.

⁶⁶ Exhibit #66, Prevocational course description and enrollment.

CCA/CTF currently offers vocational courses in graphic arts, computer literacy, commercial cleaning and Interior Renovation.⁶⁷

¶33. Apprenticeship

CCA/CTF has applied to the DC Apprenticeship Counsel for approval of a Commerical Cleaning apprenticeship course.⁶⁸ The Principal met with a Counsel member on October 7, 1997 and the Apprentice Counsel Board was scheduled to meet on October 9, 1997, a which time the program would be reviewed for approval or for further revisions to meet the standards for apprenticeship programs.

¶35. Vocational participation outreach

CCA/CTF has procedures for affirmative outreach to inmates.⁶⁹

IV. ENVIRONMENTAL HEALTH

¶51. Air balancing

CCA subcontracted with Dick Corporation on May 8, 1997 to improve the HVAC system. Repairs and replacements to chillers and air handlers, steam coils, and condensate pumps and roof top exhausts. A great portion of the energy management system has been upgraded.⁷⁰ The undersigned, as Contract Monitor, has attended several bi-monthly monitoring walk throughs with the DCDOC Facilities Management

⁶⁷ Exhibit #67, Vocational course descriptions and enrollment. Interior Renovation is a new class which is to begin by mid-October 1997. The instructor was hired on September 29, 1997 and is in Pre-service Training.

⁶⁸ Exhibit #68, CCA/CTF application to the DC Apprenticeship Council.

⁶⁹ Exhibit #69, Affirmative outreach procedures to encourage inmate participation in vocational courses.

⁷⁰ Exhibit #70, Dick Corporation Contract report dated September 30, 1997.

Foreman and Dick Corporation.⁷¹ The DOC Compliance Monitor now has a consultant who is an expert in prison facility architect and construction and full inspection of this work is underway.

¶52. Alternate housing in cold weather

CCA/CTF has developed procedures that during cold months, the correctional supervisor on duty shall use a thermometer to measure end cell and other random cell temperature. If the room temperature falls below 65°, women in the end cells on each tier shall be moved to an empty cell, they shall be allowed to keep their cell door open to increase the intake of warm air from the tier or they shall be allowed to sleep in the dayroom and they shall be given 2 each: blankets, thermal underwear, wool socks.⁷² Purchases of thermal clothing and blankets have been completed.⁷³

Dick Corporation states there are plans to apply a masonry sealant to the outside walls in an effort to keep cold air from entering cracks and masonry pores.

¶53. Pest Control

The CCA/CTF has contracted with Orkin Pest control to exterminate for vermin control.⁷⁴ Bi-monthly treatments have been increased to weekly treatments, applied to a portion of the facility, resulting in the entire building being treated once a month.

¶54. Cleaning supplies

⁷¹ Exhibit #71, DCDOC Facilities Manager inspection report dated August 5, 1997.

⁷² Exhibit #72, Memo dated 5/28/97 for measuring temperature/alternate housing.

⁷³ Exhibit #73, "Purchase Order #0184 for 60 dozen sets of thermals, 200 wool blankets and 96 lightweight sheet blankets.

⁷⁴ Exhibit #74, Orkin Pest Control Service Agreement dated 3/31/97 and Treatment Schedule

The CCA/CTF has maintained an adequate supply of cleaning supplies and has procedures for chemical use and supply distribution. The undersigned, as Contract Monitor, has received video and class room training along with other staff in the use of the cleaning supply products.⁷⁵

¶55. Laundry

The CCA/CTF has a written policy⁷⁶ for laundry services and a contract with a professional laundry which follows appropriate procedures for the sanitary handling of laundry.⁷⁷ Plans are underway to build an internal laundry facility.

¶56. Food

The CCA/CTF has written procedures⁷⁸ for food safety, meal serving and inspection schedules. Correctional Supervisors are required to inspect the Culinary on each shift. The Assistant Shift Commander is required to conduct random monitoring of food temperature and food delivery.⁷⁹ These processes are expected to improve as the Sanitarian develops improved monitoring and reporting procedures. In addition, Elevators 3, 6, and 9 are manually operated during meal delivery periods to expedite transport and maintain adequate food serving temperatures.

⁷⁵ Exhibits #75, Purchase Order 354 dated 5/16/97 for Portion Pac product. Purchase Order 392 dated 6/05/97 for Portion Pac products. Purchase Order 457 dated 7/15/97 for Portion Pac products. Portion Pac Representative inspection report dated 8/14/97. Portion Pac Cleaning supplies usage descriptions. Portion Pac cleaning supply distribution schedule. Portion Pac cleaning distribution 8/97 & 9/97 for E Building, Culinary, BMU-A, and Medical.

⁷⁶ Exhibit #76, Policy 12-102 "Linen and Laundry Handling Services", dated June 30, 1997.

⁷⁷ Exhibit #77, Sterling laundry Contract, dated April 4, 1997.

⁷⁸ Exhibit #78, CCA/CTF Policy 11-100 "Menus, Special Diets, Service Records and Safety Standards, 11-101 "Meal Serving Schedule" and 11-102 "Health Protection of Persons Working in Food Service".

⁷⁹ Exhibit #79, Memo dated 8/5/97 "Monitoring Culinary Operations" for Correctional Supervisors.

Other pending measures are (1) to train correctional supervisors and unit managers to monitor food temperatures, (2) as CCA is re-negotiating its contract with Aramark, CCA will include contract deficiency clauses and will not pay for meals that do not meet contract standards, and (3) new tray food seal straps are being purchased to better retain temperatures.

¶57. Preventative Maintenance Plan

CCA/CTF has a policy for preventive maintenance that includes maintenance of structures, systems, and equipment.⁸⁰ CCA/CTF has not yet completed its Preventive Maintenance Service Operation Procedures nor have they completed data entry into the Chief Maintenance System to actively use the PM program. They are also in the process of renumbering doors and equipment based upon construction renovations in order to input the correct locations into Chief. CCA reports that a major delay in implementation has been caused by staff being deployed to repair and renovate major systems as required by September 15, 1997 in the contract. Facilities maintenance staff and the numerous contractors have continued to complete regular repair orders. The affected Assistant Warden states that a plan of action to get Chief on-line by January 1, 1998 will be developed by October 31, 1997.

¶58. Plumbing inspections

CCA/CTF requires that correctional officers inspect plumbing in the female units at each shift change and enter this information into the log book.⁸¹ Work orders are then written and facilities maintenance is contacted. When facilities maintenance receives the work orders each day, they record them in their own manual log and into Chief and prioritize the work. Completed work is logged by the housing unit officer, the

⁸⁰ Exhibit #80, Policy 7-2 "Physical Plant Maintenance", dated 1/15/97 and memo dated 9/8/97 re: Chief PMP.

⁸¹ Exhibit #81, Memo dated May 28, 1997 (See Page 2) regarding daily inspection of plumbing in E Building.

work order is signed by the repair person as completed and the information is logged into the facilities maintenance manual and automated system. The undersigned, has inspected the plumbing work orders for the time period May 1997 to June 30, 1997 which indicate that 90% of the work is completed within twenty-four hours.

¶59. DCRA Inspections

This auditor is aware that the DCRA has inspected the Culinary unit and sample housing units, however no reports have been received to date with the exception of the DCRA Culinary Inspection on May 19, 1997.⁸²

V. FIRE SAFETY

¶65. Fire Safety Training:

The CCA/CTF provides semi-annual fire safety training. Course descriptions, dates of training and attendance lists are attached⁸³. The Fire Safety Officer has plans to conduct refresher training as additional procedures are being put into place⁸⁴

E. FINDINGS

1. ¶4. CCA/CTF Sexual Misconduct Policy and Procedures

⁸² Exhibit #82, dated May 19, 1997 DCRA Inspection Report of the Culinary Unit and Policy 9-7 "Security Checks", dated 1/15/97 which governs security, fire safety and sanitation checks by Correctional Supervisors.

⁸³ Exhibit #83, Staff Attendance Rosters March to July 1997 for Fire Safety Training and Pre-Service and In-Service Fire Safety Training Lesson Plans.

⁸⁴ Exhibit #84, Fire Safety Plan submitted October 7, 1997. The evacuation route portion is being revised due to construction changes in building.

CCA is in compliance with having written policy and procedures for reporting, investigating and disposition of incidents of sexual misconduct in accordance with Department Order 3350.2A and the Court Order. CCA/CTF Policy 14-100 has written procedures regarding posting of the policy.

CCA is not in compliance with posting the policy as required when the inspection conducted on September 8, 1997.

2. ¶5 Sexual Misconduct - Prevention and Remedy

In Compliance. CCA/CTF Policy 14-100 contains procedures for the detection, prevention, reporting and investigation of sexual misconduct against inmates and for the discipline of employees who engage in sexual misconduct against inmates. The CCA/CTF has contracted with Delany, Siegel and Zorn to investigate allegations of sexual misconduct.

3. ¶6 Definition of prohibited conduct

In compliance. Prohibited conduct under CCA/CTF Policy 14-100 is defined in accordance with the Court Order and Department Order 3350.2A for sexual misconduct.

4. ¶7 Penalties for prohibited conduct

In compliance. CCA/CTF Policy 14-100 contains provisions for discipline of employees who violate this policy. Employee discipline has been documented to have been appropriately enacted.

5. ¶18 Inmate reporting of sexual misconduct

In compliance. CCA/CTF Policy 14-100 contains procedures for inmate reporting of complaints of sexual misconduct via use of IGP system to report complaints. The CCA/CTF Inmate Grievance Advisory Committee (IGAC) was initiated in April, 1997.

6. ¶19 Inmate complaint reporting methods

In compliance. CCA/CTF Policy 14-100 provides that female inmates may report complaints of sexual misconduct orally or in writing, to any employee, through the IGP system or to a IGAC prisoner representative. The reporting processes are utilized.

7. ¶10 Confidential Telephone Hot line

Not in compliance. A separate voice mail 1-800 line has been installed in the Sexual Misconduct Coordinator's office that is restricted by a password. However, it must be ensured that a block is placed on the inmate phones to restrict monitoring of calls when they are made from any telephone in the system to this number. The Hot line is expected to be in full operation by October 24, 1997.

8. ¶11 Staff reporting responsibilities

In compliance. CCA/CTF Policy 14-100 provides for discipline of employees who fail to report acts or allegations of sexual misconduct.

9. ¶12 Reporting Sexual Abuse to law enforcement

Not in Compliance in three of the four incidents filed 3/16/97 to 9/30/97. No report was made to MPD in the first two incidents. In the third complaint, the inmate requested to press charges and MPD was contacted on September 11, 1997. In the incident on September 28, 1997, the matter was appropriately referred to MPD. The Sexual Misconduct Coordinator has responsibility to ensure matters are reported to law enforcement and for monitoring/documentating the status of the criminal investigation.

10. ¶13 Confidentiality requirements

In compliance. All parties notified of the complaint or interviewed are advised by the Sexual Misconduct Coordinator and/or the Investigator that retaliation, reprisal or breach of confidentiality is prohibited.

11. ¶14 Inmate Appeal procedures

In compliance. Individual notification is given to each inmate when the investigation was completed. One inmate filed an appeal to the Director, DCDOC.

12. ¶15 Staff training in Prevention of sexual misconduct

In compliance with Pre-service training. In-service training for approx. 117 former DCDOC staff who are now CCA/CTF employees to begin 11/1/97.

13. ¶16 Inmate training in Prevention of sexual misconduct

In Compliance with current DCDOC procedures which are not adequate because there are no procedures for ensuring training for female inmates who are transferred from CDF prior to receiving the orientation training that is conducted there

once a week. CCA/CTF currently provides female inmates with a copy of Inmate Bulletin "Prevention of Sexual Misconduct Against Inmates".

14. ¶17 Physical plant alterations to ensure female inmate privacy

In compliance. Developing added window shading.

15. ¶18 Protocol regarding use of restraints on pregnant and postpartum women

In compliance. The CCA/CTF has implemented procedures that pregnant females are to be transported in the least restrictive way possible consistent with legitimate security reasons.

16. ¶19 Diagnostic evaluations

Although testing of over thirty-one (31) female inmates has been initiated, four (4) studies have been completed based upon DCDOC priority mandates.

17. ¶20 Scheduling to maximize participation

In compliance. (See recommendations).

18. ¶23 Procedures for Inmate Movement.

In compliance.

19. ¶26 Academic participation

The Academic programs are provided for female inmates for three hours per day, five days per week.

20. ¶27 Higher Education

Not in compliance. No college program has been offered since CCA assumed operation and management of the CTF on March 16, 1997. CCA/CTF has an impending contract with UDC that meets the requirements of the Order.

21. ¶28. Higher Education financial assistance

In compliance. The contract requires free college tuition and books .

22. ¶29. Substitute Teachers

In compliance. The CCA/CTF has implemented a procedure for substitute teachers for coverage of any leave of absences of educational staff for a period of more than five (5) days.

23. ¶31. Prevocational programs

In compliance. CCA/CTF offers a six month Life skills course.

24. ¶32. Vocational programs

In compliance. CCA/CTF currently offers four vocational courses.

25. ¶33. Apprenticeship

Not in compliance. CCA/CTF has applied to the DC Apprenticeship Counsel for approval of a Commerical Cleaning apprenticeship course.

26. ¶55. Vocational participation outreach

In compliance. CCA/CTF has procedures for affirmative outreach.

27. ¶51. Air balancing

In compliance. Air balancing work has been done.

28. ¶52. Alternate housing in cold weather

In compliance. CCA/CTF has developed procedures to monitor room temperatures and provide alternate housing and extra clothing as ordered. The construction contractor states there are plans to apply a masonry sealant to the outside walls in an effort to keep cold air from entering cracks and masonry pores.

29. ¶53. Pest Control

In Compliance. The CCA/CTF has contracted with Orkin Pest control to exterminate on a weekly schedule wherein the entire building is treated once a month.

30. ¶54. Cleaning supplies

In compliance. The CCA/CTF has maintained an adequate supply of cleaning supplies and has procedures for chemical use and supply distribution.

31. ¶55. Laundry

In compliance. The CCA/CTF has a contract with a professional laundry which follows appropriate procedures for the sanitary handling of laundry.

33. ¶56. Food

In compliance with written procedures for food safety and meal serving schedules as well as inspection schedules and the Sanitarian is developing improved monitoring and reporting procedures. Elevators are manually operated during meal delivery to expedite transport and maintain adequate food serving temperatures.

34. ¶57. Preventative Maintenance Plan

Not in compliance. CCA/CTF has not implemented a Preventive Maintenance Operation. based upon construction renovations in order to input the correct locations into Chief. Facilities maintenance staff and the numerous contractors have continued to complete regular repair orders .

35. ¶58. Plumbing inspections

In compliance. CCA/CTF requires that correctional officers inspect plumbing in the female units at each shift change and log results. Completed work is logged by the housing unit officer.

36. ¶59. DCRA Inspections

In compliance. DCRA Culinary Inspection conducted on May 19, 1997.

37. ¶65. Fire Safety Training:

In compliance. The CCA/CTF provides semi-annual fire safety training. Course descriptions, dates of training and attendance lists are attached.

39. *Comments*

It is the undersigned's observation that significant improvements have been made for the improvement of environmental conditions as CCA has made renovations to the building, purchased adequate amounts of cleaning supplies and contracted for certain services. Private contractor procurement is conducted significantly more quickly than government procurement regulations will allow and contracted services has resulted in individualized service v. DCDOC having to rely on short-staffed programs to service all DCDOC facilities.

During the course of this audit, the undersigned was not always able to obtain and provide documentation for this audit report because the former Sanitarian's records have not been located. On September 29, 1997 a new Sanitarian, with 20 years experience in Safety, was transferred to CTF from another CCA facility. It is the undersigned's observation, based upon documented results of improvements made since September 29, 1997 that required procedures, staff training, inspection reporting and abatement will significantly improve.

F. *RECOMMENDATIONS*

1. ¶4. CCA/CTF Policy 14-100 be revised in accordance with Department Order 3350.2B "Sexual Misconduct Against Inmates", dated October 15, 1997, by November 15, 1997.
2. ¶4. CCA/CTF Policy 14-100 be posted in the secured bulletin boards on each housing unit wing in E Building and on Substance Abuse Unit in D Building where females are housed. CCA/CTF develop a manager/supervisor inspection form and an inspection schedule to ensure that staff is submitting accurate Documentation and compliance is maintained.
3. ¶4. The Sexual Misconduct/IGP Coordinator is responsible for weekly inspection of inmate and staff bulletin boards to ensure that CCA/CTF Policy 14-100 and this notice are posted in designated locations.
4. ¶12. Housing Unit and Command Center Post Orders include specific language that it is mandatory that sexual acts and sexual contact be reported to MPD.
5. ¶16. Develop procedures wherein not less than weekly Prevention of Sexual Misconduct Against Inmates Orientation is held for newly transferred female prisoners. Ensure that the Inmate bulletin on the identification, prevention and reporting of sexual misconduct is distributed at the Receiving and Discharge intake proceeding.
6. ¶17. Make further attempts to inhibit sight into the cell windows.
7. ¶18. Develop and follow protocol for appropriate transport of postpartum women.

8. ¶20. CCA/CTF consider scheduling classification, parole and disciplinary hearings, and recreation as much as possible for females in the afternoon so as to maximize program participation.
9. ¶27. Develop and implement the pre-college program by October 20, 1997.
10. ¶27. Provide a college program in accordance with the Order by January 1998.
11. ¶33. Provide an apprenticeship program in accordance with the Order by January 1998.
12. ¶33. Apply additional measures to correct cold weather temperature problems as needed.
13. ¶56. Develop adequate monitoring and reporting procedures and train staff to monitor same to ensure that meals are delivered timely and food temperatures meet standards.
14. ¶57. Develop plan of action by October 31, 1997 for implementing the Preventative Maintenance Plan by January 1, 1998 or submit plan to plaintiffs' counsel for consideration.

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